DOCUMENT RESUME

ED 087 138 EA 005 894

TITLE	Proceedings of Hearing: Voucher Systems and Contractor Proposals.
INSTITUTION	California State Legislature, Sacramento. Senate Committee on Education.
PUB DATE	Jan 71
NOTE	301p.
EDRS PRICE	MF-$0.65 HC-$13.16
DESCRIPTORS	Educational Finance; *Education Vouchers; *Equal Education; *Parochial School Aid; *State Church Separation; *State Legislation; Teacher Associations
IDENTIFIERS	*California

ABSTRACT

The participants in these hearings that took place prior to the California Supreme Court issuing its decision in the Serrano vs Priest case discuss that case and also the use of education vouchers as one means of education finance reform. Legislators, education finance experts, and interested organizations and citizens express their views on various education voucher proposals. (JF)

ED 087138

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

CALIFORNIA LEGISLATURE

SENATE COMMITTEE ON EDUCATION

MEMBERS OF THE COMMITTEE

Senators:	Albert S. Rodda, Chairman
	Alfred E. Alquist, Vice Chairman
	Clark L. Bradley
	Clair W. Burgener
	Mervyn M. Dymally
	Donald L. Grunsky
	John L. Harmer
	Fred W. Marler, Jr.
	George R. Moscone
	H. L. Richardson
	Walter W. Stiern

Gerald C. Hayward, Committee Consultant
Walter T. Filliman, Assistant Committee Consultant
Mary Bourdette, Intern
Jean Tomsic, Interim Committee Secretary

PROCEEDINGS OF HEARING

VOUCHER SYSTEMS AND CONTRACTOR PROPOSALS

January 12 and 13, 1971

Room 4203
State Capitol
Sacramento, California

EA 005 891

PRESENT:

Senator ALBERT S. RODDA, Chairman
Senator ALFRED E. ALQUIST, Vice Chairman
Senator CLARK L. BRADLEY
Senator MERVYN M. DYMALLY
Senator DONALD L. GRUNSKY
Senator JOHN L. HARMER
Senator GEORGE R. MOSCONE
Senator WALTER W. STIERN

INDEX

Page

JOHN E. COONS, Professor of Law, University of California, Berkeley 1

STEPHEN D. SUGARMAN, Attorney-at-law, O'Melveny and Myers, Los Angeles 11

WAYNE CAROTHERS, California Teachers' Association 44

JAMES LEWIS, Human Relations Executive, California Teachers' Association 48

DAVID COHEN, Director and Research Associate, Center for Educational Policy Research and Associate Professor of Education, Harvard University 55

CHARLES MARSON, Assistant Staff Counsel and Legislative Representative, American Civil Liberties Union of Northern California 88

WILLIAM JEFFERDS, Superintendent, Alum Rock School District 108

REYNOLD COLVIN, Jewish Community Relations Council, San Francisco; Jewish Welfare Federations of California 119

EUGENE HAGGERTY, Education Advocate, Community Hope: Options for the Improvement of Children's Education 131

DON GIBBONS, Regional Director, Americans United for Separation of Church and State 140

DR. CHARLES BENSON, Professor of Education, University of California, Berkeley 147

DR. HENRY LEVIN, Professor of Education, Stanford University 168

JOSEPH P. McELLIGOTT, JR., Education Representative, Catholic Schools of California 210

LARRY SIBELMAN, Vice President, California Federation of Teachers and Executive Vice President, United Teachers of Los Angeles 222

ROBERT STAHL, Professional Services Consultant, California Teachers' Association 240

INDEX (continued) Page

HARRY HOLLAND, West Coast Manager, Educational Solutions 255

C. L. JAMES, Director, Self-Pronouncing Alphabet, Beaumont, California 264

KEN CORTNER, Stockton, Americans United for Separation of Church and State 275

MICHAEL F. DILLON, Legislative Advocate, California School Boards Association 281

HASKELL A. CALDWELL, A Tuition Paying Parent of Parochial School Children for 20 Years. 284

Mrs. VIRNA M. CANSON, Legislative Advocate - Field Director, West Coast Region National Association for the Advancement of Colored People 286

WILLIAM P. BOOTH, Director, O.E.O. - Westinghouse Learning Corporation - Fresno City Schools 287

TUESDAY, JANUARY 12, 1971, 10:20 O'CLOCK, A.M.

---o0o---

CHAIRMAN RODDA: I will call the committee meeting to order. On my right we have Senator Bradley as usual, and on the left we have Senator Alquist. They are both from Santa Clara County.

We are here, as you know, to take testimony on the subject of the voucher system and also related subjects, including parochiaid and the use of performance contracts in education.

The Senate Education Committee recognizes this is going to be a problem of major consideration before it during the session, and it was felt that we should have some substantive inputs into the record from people who are highly qualified to testify on this important subject matter, and with that brief observation, I think we should proceed to the witnesses, and the first witness scheduled is John E. Coons, Professor of Law at the University of California, Berkeley, and Stephen D. Sugarman, attorney with O'Melveny and Myers in Los Angeles. Will you step forward, please, and indicate how you are going to proceed since you are jointly presenting testimony. Is that right?

PROFESSOR COONS: Yes, Senator Rodda.

CHAIRMAN RODDA: Will you identify yourselves for the record.

PROFESSOR COONS: Mr. Sugarman and I might stand together if that is all right. From time to time we will probably interrupt each other.

My name is John Coons. I am a Professor of Law at the University of California, Berkeley. My associate is Stephen D. Sugarman, member of the California Bar, practicing in Los Angeles.

Mr. Sugarman and I have for a number of years been interested in problems of discrimination in public education. We have worked together on many projects, including a publication of a work known as "Private Wealth and Public Education" from the Harvard University Press as of this year indicating in a much more detailed way than we could possibly do this morning our general views on the problems of proper dispensation of state resources to public and private schools.

We have also, over the last two years, developed what we call the family choice in education act. It is a model statute designed for adoption by a state and as we have drafted it, it is particularly adapted to the State of California. We have supplied copies of that model act to the committee together with an introduction. The act, I might say, is very elaborate, very complicated in many respects. The introduction is less though and I think that you may find it helpful if you are interested to read the introduction, at least before you read the various provisions in the statute.

We have also supplied the committee with copies of a brief in which we have the counsel amicus curiae in a case called Serrano against Priest, with which you may be familiar, and I think I would like to begin our testimony by putting this matter of vouchers into a context which I think is important for the Legislature by referring to the Serrano problem.

Serrano against Priest represents an attack upon the fundamental structure of public education financing in the state and really throughout the country based upon violations of the 14th amendment, equal protection clause. Much to the surprise of everyone, the case which had been dismissed at the trial level, the Supreme Court now has granted full review and the case is going to be given very serious attention, in part I suppose, because of the intervention of the City of San Francisco School District and a number of other important national organizations, including the Urban Coalition, the National Education Association, the National Committee for Support of Public Schools and so forth. Now, of course, we cannot predict the outcome of Serrano against Priest, but it is entirely possible that at this time next year and perhaps much sooner, the Legislature will face the problem of really starting from scratch.

If the State Supreme Court were to take the position which is advocated by the appellants in this case and by others, it would find that the quality of public education measured in terms of dollars spent per child may not be a function of wealth, the quality of public education may not be a function of wealth.

Now, should the State Supreme Court decide this body will have to begin anew to design the state system, and I think it is in this context, this very realistic view of the future, that vouchers must be considered because whatever one might think of their political possibilities in the abstract today, given what may happen in the California Supreme Court in the next few months, one has to take them with a great deal of seriousness, and we hope to contribute something this morning to the seriousness of this discussion.

If the court does what we have asked and what the other amica have asked, the State Legislature would have three kinds of options. It could completely centralize funding, it could retain the district system which now exists but equalize the power of the districts to raise money, and/or it could begin to experiment with the use of the family as a decision-making unit so long as that unit was given an equality of power to have dollars spent upon its children in publicly financed education. And, shortly Mr. Sugarman will describe to you several possible voucher systems which would satisfy this kind of constitutional test.

First, however, I would like to give you very briefly some of the objectives of various kinds of plausible voucher schemes, schemes that seem to us plausible, and first and foremost in conformity with what I have said about the law, it seems to me that voucher schemes may provide the kind of full fiscal neutrality that is now lacking in the California public school financing scheme. It may, in other words, provide an equality of opportunity in terms of the fiscal base for children throughout the state.

CHAIRMAN RODDA: Could I interrupt right there? I missed that statement when you were discussing Serrano versus Priest, and I think you made a statement that the court might find that quality of education is not a function of wealth.

PROFESSOR COONS: May not be, sir.

CHAIRMAN RODDA: May not.

PROFESSOR COONS: This is the test which has been offered to the court by a number of the amica.

CHAIRMAN RODDA: Then, you followed through by saying that as a consequence of that the state would have to consider three alternatives or may have --

PROFESSOR COONS: Very generally three kinds of alternatives.

CHAIRMAN RODDA: Following quality is not a function of wealth, I'm stupid, but would you elaborate on that?

PROFESSOR COONS: I would be glad to, Senator.

CHAIRMAN RODDA: I don't want to ask a question because I might reveal my total stupidity, and I would rather have you just explain it.

PROFESSOR COONS: I assure you we have shared this over the years with you and it's a great struggle to try to make sense out of all of this. It's very complicated unfortunately. I think it can be stated this way, that one can retain a decentralized decision-making system, more than one unit of fiscal decision-making, so long as each unit has an equality of power to raise money. You see, in this case, the quality of public education would not be a function of wealth, but of the decisions, for example, if you had districts of equal wealth, each district would make a different tax effort against its wealth.

CHAIRMAN RODDA: I get it now. I understand because our line of thinking is the same. In other words, you equalize the wealth producing capabilities but quality depends upon whether the district wants to use it.

PROFESSOR COONS: How much it cares about it. That same thinking may be adapted to the family. The family may be treated as a school district, equalized in its capacity to raise money and that is the system.

CHAIRMAN RODDA: Then, it follows, that I would think the implication of that is if this leads us to the voucher system, that if the public utilizes public funds to provide the family with X number of dollars in order to give its family a choice with regard to education, then, if you allow the family to add another input, then you are moving into a situation in which wealth might very well be a factor in determining quality of education.

PROFESSOR COONS: Well, I think it may be appropriate --

CHAIRMAN RODDA: Because even though the poor family might have a desire to achieve an upgrading of quality of education, it would lack the means, so therefore, wealth itself would be the factor. This is a digression. Why don't you go on with your testimony and try to cover that.

PROFESSOR COONS: We intend to because this is crucial, absolutely crucial. But let me just say very briefly that all of these kinds of systems including the one which we will describe ask for a fiscal neutrality in this sense that the power of the family will not be different for raising money, but we will come back to that. Now, each of the systems --

SENATOR BRADLEY: Mr. Chairman, before Mr. Coons gets away from that, I would throw this out for the committee and for the witnesses. Are we working on the premise that a wealthy school district provides a better quality of education than a poor school district, financially poor?

PROFESSOR COONS: It depends on how hard it taxes itself, Senator.

SENATOR BRADLEY: No, I mean assuming the financially poor school district is taxing itself to capacity, maximum capacity, and the wealthy school district is taxing, let's say, to a reasonable capacity, which could be, of course, the variation between two school districts of this category, but does it follow that the students in a wealthy school district are per se getting a better education?

PROFESSOR COONS: Are they spending the same amount of money, Senator? I'm not sure.

SENATOR BRADLEY: Supposing the wealthy school district is spending more money.

PROFESSOR COONS: Well, there really, of course, is no way to answer in a specific case as to whether one is a higher quality education than the other, but I will say that my assumption throughout this testimony would be that there is a return for the dollar spent, that is, that the assumption that the Legislature has adopted in providing an opportunity for districts to spend money is correct, that money buys services and goods which may be applied to the problems of education and that, therefore, more money spent, to that extent you have better quality.

SENATOR BRADLEY: Well, I just want the record then to be clear that so far as you and Mr. Sugarman are concerned, you are not necessarily basing your premise on what I think is an erroneous assumption, that the more money a school district has and spends, the better the quality of education. I don't subscribe to that myself. I think that you can have a very high quality of education in a school district that spends less money than say a school district that spends twice as much money, because it depends on how that money is being spent, and on this committee I think we have had witnesses who have assumed that the students in a poor school district, financially poor, are being disadvantaged as compared to the students in a wealthy school district because of the amount of money that is being spent. I think it is a fallacious assumption.

PROFESSOR COONS: Regretably that is my assumption, Senator, and I make that perfectly plain. I think there is a correlation between quality of public education on the whole and the number of dollars spent in the district. So, I want you to understand that. It would be false of me to go ahead without making that point.

SENATOR BRADLEY: Well, if your statement, as a fellow attorney, is the same as what I was saying, then you are making the record clear that you do subscribe to the concept that the children in a financially poor school district are not getting as good an education.

PROFESSOR COONS: No, that's a different question, Senator, because some rich districts spend less money than the poor districts. It's the money spent I refer to.

SENATOR BRADLEY: All right.

SENATOR STIERN: I would be interested in your definition of quality education.

PROFESSOR COONS: For purposes of the Constitution, Senator Stiern, I would say that it is probably sensible to define quality in terms of the dollar input that's available in a given institution that we have no finer measure of this. One may argue about whether a French class is more valuable than a gymnasium, but there's no resolution of that kind of question. The only objective standard that I have been able to discover is the expenditure of money per pupil in the institution. I would agree 100 per cent that some schools that spend more will have less quality, but on the whole it seems to me the only possible assumption is that dollars and quality are in fact related, and that's the only conclusion that I have been able to arrive at to my own satisfaction.

CHAIRMAN RODDA: Before we proceed, I want to go back to your presentation where you left off, and there has been a request by the CTA that it be allowed to photograph the hearings, just a silent picture. Is that agreeable with the committee, no sound? That's agreeable. All right, now proceed.

SENATOR BRADLEY: From CTA, no sound?

PROFESSOR COONS: Now, what voucher schemes do in general in addition to providing a possible justice in terms of dispensation of public resources, are family choice, first of all opportunities for decision making with respect to sending children to school that have hitherto never existed for people below a certain income. The poor have not been able to choose other than their neighborhood school. Economists tell us there is efficiency in purchasing goods and services that can be expected to arise from a market kind of economy in education, and I believe it.

There is also an opportunity for variety and this, it seems to me, is patently true, that if one encourages consumers, parents, to choose different kinds of education, that variety will arise, and today experimentation is very difficult within the kind of structures that dominate public education. We could have in a very realistic way community control, not community control in the sense of geographical units in which a minority must lose an election, but community control in the sense of communities of interest, people with common values and common interests coming together to choose a kind of education which can cluster around ideas and concepts in a way that is impossible within a geographical unit in which education is determined by consensus. There's an opportunity for racial integration that cannot exist in a fragmented and vulcanized kind of geographical unit, an opportunity for people to move out of the ghetto and into, for example, formerly all white schools of a private character in suburban areas or elsewhere. We will describe this in greater detail if there's an opportunity; and finally, an opportunity for compensatory education depending upon how the system is designed, and I think it is time I let my colleague, Mr. Sugarman, describe to you some of the kinds of systems, and particularly our own.

MR. SUGARMAN: A major point --

CHAIRMAN RODDA: Incidentally, the Senators are assembling for the march over to the Assembly. I'm going to stay here and the other Senators are free to go hear the Governor's message. Also, this is being recorded and will be available to the members of the committee for their evaluation if they are not present.

MR. SUGARMAN: Thank you. The major point that I would like to make this morning, and the major warning I would like to leave with you, is that all voucher systems are by no means the same, and that they may have radically opposing objectives and they may be rather different in their operation, and thus, it's to be kept in mind that you can have strange groupings of people together talking about the possibilities of experimenting with vouchers that have quite different goals. So, I would like to discuss in a very brief outline form some of the different voucher plans that have been proposed.

Most discussion of vouchers these days seems to start with Professor Milton Friedman of the University of Chicago Economics Department, and I'll start there as well. Professor Friedman proposed a system in which a certain amount of dollars would be made available in the form of vouchers to be carried by a student perhaps, I suppose, at the direction of his parents, to a school he attends and the school then would be able to cash this voucher in with the state and in that way, as Professor Friedman noted, we get some kind of competition. We break up what we see as a monopoly supply system of education by the state. The problem that we have with Professor Friedman's system is the very problem that Senator Rodda referred to earlier, and that is that rich families will be able to add on to the voucher as much as they wish and, therefore, we would expect that we would have very expensive fancy schools in which the rich would be attending, that the state would be subsidizing, and that the poor would be too poor to add on very much to the state payment, and therefore, we would have an economic class segregation and they would be off in schools for the poor, somewhat of a return to the notion of the charity school for the poor that we had in this country in the early 1800's.

And, therefore, we stand, and I think it should be made clear, in opposition to a voucher system which allows people to add on when they can add on solely from their own pocketbooks because some pocketbooks are larger than others. Also, I might add in Professor Friedman's system, the school could exercise its choice as to who it wanted to take and who it wanted to refuse, and as will be indicated later, we would rather put the choice power in the hands of the family, make it a family choice rather than a providing side choice as to who gets in.

Now, a quick variation of Professor Friedman's system that comes to mind is one in which the state provides X dollars per pupil as the voucher and that represents the entire amount of money that the school may use, that is, it may not require any additional tuition for the family, and any school that wanted to participate, that wanted to be a voucher school, would have to agree that it would only accept the amount of the tuition voucher set by the state as its income.

CHAIRMAN RODDA: May I interrupt? It seems to me that if you apply this concept state-wide you would have to have a basic foundation program upon which the state allocates its resources, as currently is the case; a foundation program which all public schools participating in the voucher program would have as a standard for the purchase of educational resources, and which would also be the amount of money that a private school would have to have as the amount of money which it could utilize for the purchase of educational resources, and then this would have to be equal state-wide. Otherwise, the state would be saying in one community you are going to have X number of dollars and this kind of quality. Of course, in a sense this would answer the court if the court decides in favor of the plaintiffs who are now arguing, isn't that right?

MR. SUGARMAN: It certainly would.

CHAIRMAN RODDA: That is the premise of your presentation, or there's no logic.

MR. SUGARMAN: The premise of this system I have now proposed of the uniform dollar voucher system without family tuition add-ons, is that it would have to be statewide and there would be a uniform amount and, therefore, it would satisfy the principle that we are talking about the court perhaps adopting.

CHAIRMAN RODDA: May I interrupt you again? I have said, if you put into a voucher system all the costs that are necessary to make it work, the people who now want it, wouldn't touch it. I'm sorry.

MR. SUGARMAN: Let me say that since this proposal, the uniform flat amount which represents the entire amount of the tuition credit, and it couldn't have basically other income. I can't tell you whether there are any advocates, and what they would do about admissions policy of the school, so I might say that one of the main concerns I have with that proposal is that there could be no variation in families that cared more about education than are willing to invest a greater portion of their wealth into education. Whether they be rich or poor families, they wouldn't have a way of investing that because under this system there couldn't be any kind of additional add-ons. Also, if the amount that the state provided at the level it set were not high enough, then perhaps well to do families would increasingly drop out of this state funded system altogether and go to wholly private schools.

Now, I would like to move quickly so I can get through to some of the other notions. Now, another proposed voucher system which is really a supplementary system is one in which vouchers would only go to poor families, and the poorer the family the greater the voucher, and then the poor could take those vouchers and add to it what they might want to add and go to private schools, and the wealthy people, I think, above $10,000 of income or $8,000 in the latest proposal, would not have any, and they could pay tuition in the normal fashion. You can see this is only sort of a supplementary system. I mean, it passes out some funds and Dean Sizer told me at one point that he felt this might be a method for distributing Title 1 federal funds directly to families rather than having them sent through the state and local administrative systems, that if a child carried the Title 1 money along with him, the schools would be more willing and anxious to have that child in attendance because they could cash in the voucher and have more money for their school program.

CHAIRMAN RODDA: Senator Stiern.

SENATOR STIERN: Before we get into the voucher system too far, I would like to ask you the question I asked other people who talked about the voucher system, and I would like to hear your answer to this, particularly Professor Coons perhaps. When we talk about this whole concept, how do we get around Article 9, Section 8 of the State Constitution which says that no public money shall ever be appropriated for the support of any sectarian or denominational school or any school not under the exclusive control of the officers of the public schools, nor shall any sectarian denominational doctrine be taught or instruction thereon be permitted directly or indirectly in any of the common schools of this state. How could you even walk into the idea of the concept of a voucher system until that section of the law is changed?

MR. SUGARMAN: Well, I would say, Senator, that I will know a lot more about that after the Supreme Court, U. S. Supreme Court decides Lemon against Kurtman and the associated cases because I think that perhaps -- I can't predict, of course, that the California Supreme Court will take the same view even if the U. S. Supreme Court proves as liberal as it seems to have become; but, if, in fact, one views this as aid to the child, I presume that the framework of Article 9, Section 8, can be thought of as having been satisfied. That is, I recognize now as far as I am concerned that there is no economic difference, but there may very well be a constitutional difference in terms of whether or not we are supporting an institution when one decides to give the money to the child instead of giving it directly to the institution. Now, we don't know what the Supreme Court will do and all we suggest is that this is an open question and as far as we are concerned, it's at this stage of the game really for the Legislature a legitimate policy question. You may very well decide you don't want to give money in this form or any other form, which might be spent --

SENATOR STIERN: How can we, if the State of California Constitution states that no public money shall be given to private schools? We keep talking about public schools and private schools and this section bothers me. I don't know how we can do this with this language in here.

MR. SUGARMAN: It bothers me, but on the other hand, I think that there is a very realistic chance that aid given to the family and then spent in private institutions of a sectarian characteristic will, in fact, be found valid as it has been under the Constitution with respect to other kinds of expenditures by individuals in denominational institutions, namely, hospitals.

SENATOR STIERN: We are spending public monies in --

MR. SUGARMAN: I think so -- well, now, I'm not an expert on this. Believe me, you have led me into an area in which I am sure to step on a mine, but it is clearer that the issue is still open. It is clear that it is not clear, if you will permit me that.

CHAIRMAN RODDA: Right now I would gather from your remarks that if the issue is decided in favor of the voucher system, it would be on the basis of the benefit theory, the child benefit concept.

MR. SUGARMAN: I think that is correct.

CHAIRMAN RODDA: Rather than on the constitutional theory.

MR. SUGARMAN: I think that's right. If you would like, I could say that from my own point of view that the notion that the state may purchase services from religious institutions is one which is another plausible approach to this problem. Now, I don't know what the Supreme Court of the United States is going to do or what the Supreme Court of California will do, but all I can say is this is clearly an open question. It's a difficult question.

CHAIRMAN RODDA: Let's stipulate for the hearing we will accept your statement with regard to the constitutionality that it is open, it might be resolved by the courts, but secondly, it is a policy question which we may have to resolve in the Legislature by a constitutional amendment which may be submitted. Let's stipulate at this time we will not go into the constitutional issue because your analysis is based on the assumption that it will be constitutional one way or another and you are outlining the program, right?

MR. SUGARMAN: That is correct. There is another group at Harvard outside of Dean Sizer's office called the Harvard Center for the Study of Public Policy, and one of the directors of the center, I believe, is going to be talking with you during these hearings. I won't belabor their proposal, but I think it does bear some brief sketching to show the contrast and that is what they call the regulated compensatory model. We call it the uniform quality model. What they do is, they provide that the vouchers will be larger in value for disadvantaged children by which I think at this point they mean poor children, but perhaps there can be some sophistication in the definition of that term; and smaller value vouchers for advantaged children. Then these vouchers would be presented at the schools where the children attended, and the schools would then cash them in to the state and they could not require any additional tuition payments. Now, the effects of this as they well realize, is that a school in effect is trading off whether it wants advantaged children or more money, and we take it to mean that there is some sort of assumption that that sort of better quality or more money spent when you have disadvantaged children is offset by the less money and the advantaged children. In any event, their proposal in the latest form that I have seen it would allow the school to exercise control over half of its admissions and would be pretty much subject to selection by lot with regard to the other half of its admissions.

Now then, I would like to get to the proposal that we advance in the family choice in education act and it is described in the materials provided for you. We feel that since the objective of the voucher system seems to be to give the family a choice, a chance to make a decision about where its children or child should attend school greater than that presently afforded to the family, and if the objective of this is to give the family some kind of choice, we feel that that choice ought not be limited simply to which school, but it also ought to allow them to choose between schools of different spending levels so that there could be a $500 school, an $800 school, an $1100 school, and a $1400 school, and by that I mean these are just example figures, schools that spent that amount of money per pupil per year. And parents would be able to choose not only among various $800 schools if they wished, but they could choose the more expensive or the lesser ones. This, we feel, gives them a kind of choice to make a decision that's really a bona fide decision. If they are talented enough to choose which school they think is better at a fixed price, they ought to be able to decide whether the more money is worth it to them and they could decide for themselves whether or not the higher spending is higher quality.

Now, in order to prevent this becoming a variation of Professor Friedman's system in which they would have to come up with some amount of the spending level of the school, we provide for a system of combined local family contribution and state aid, and I think it could be expressed more or less like this, the family has to make an effort toward education by having it impose a tax based upon a proportion of its income so that the richer families would come up with more dollars but relatively the same proportion. There are some sophisticated problems of deciding whether or not an equal portion is an equal burden, which I would like to leave aside at this point, but so a family, let us start out by saying if a family were willing to impose a tax on itself of two per cent on the adjusted gross income, then it could send its children to an $800 school and it wouldn't matter how much money actually was generated by that tax, that was just a measure of the family's interest that's concerned, the effort it was willing to make for that kind of school, and if it wanted to send its child and/or children to an $1100 school, it would have to make say a three per cent effort. Then, all the money that was collected by this self-tax would go into the state general pool and the state would then cash in vouchers which would be different amounts depending upon which category of school.

Now, the objective, to summarize then, is to allow there to be variation in the spending level to satisfy the consumer, the family's desires and judgment as to how much they are getting for their money and what they are willing to make an effort for, and at the same time not make that amount of spending tied in with the family wealth so that we get an economic class segregation problem that I spoke of earlier that would occur, we feel, if you had simply a family tuition paid add-on.

CHAIRMAN RODDA: What you are saying here, supposing a family with $7500 a year income wants its child to go to a $1,000 school where the foundation program is $1,000, then if it paid the two per cent, it would be in the same position with regard to the opportunity for its child to enroll there as a family of $20,000 income if the family only wanted to make a two per cent effort. Now, the family making a two per cent effort would be making a larger dollar effort, but we can assume that proportionate tax measures equity?

MR. SUGARMAN: At least at this point.

CHAIRMAN RODDA: But what you are saying is in terms of dollars, the low income family might be making an equal effort in terms of percentage with the wealthy family?

MR. SUGARMAN: That is right, precisely, and that attempts to bring about what we consider to be a fair system. People make the same effort. They have the choice, and they get to exercise that choice. I might also say that under our system the school would not have power over the enrollment. It would be at 100 per cent choice of the family and the family, except if there were greater demands than spaces, then there would be a lottery system by which we would attempt to satisfy the maximum number of choices. But we would like to make this a family choice, as family decision-making oriented as possible because we believe in the family. I mean, we are trying to give the family a little more opportunity, whether rich or poor, to participate more in the education process by which their children are educated than it has a chance to do so today.

CHAIRMAN RODDA: May I point out a problem that I see? I'm sure there's a concept known as disposable income which is the amount of dollars that a family has per person to spend after it's met all its tax obligations direct and indirect, and it is free to spend that money as it wishes. Now, of course, we take care of basic needs first. Then, what's left over after you satisfy your basic needs is discretionary expenditure. In other words, you can spend it for other than basic needs. Now, traditionally families who send their children to institutions of higher education are spending discretionary income because that's not a basic need. They have the alternative of sending their child to a public institution or a higher institution. You might put, as I see it, the percentage of two per cent for a family of three or four children with an income of $7500, and they wouldn't have any discretionary income. They might even not be meeting their basic needs very well, so they would be precluded from participating in this system unless they cut back into their basic needs because they have no discretionary income, but the family of $20,000 has a relatively significant amount of discretionary income. How do you resolve that problem because in theory it's fine, but in actual practice it may not work.

MR. SUGARMAN: Let me answer one part of your statement first and that is that if a family makes the tax effort that we provide, then they get to send all of their school age children to schools of that level of spending. They do not have to pay extra for more than one child. So, that's the first point.

Now, if we are talking about a family of $7500 of income and we are talking about two per cent, then we are talking about $150. Now, I should like to point out without going into much detail at this point that under this proposal the local property tax that's presently employed for funding local education would be eliminated because we don't have school districts any more in the traditional sense, we don't have local funding any more, so that local property tax would be eliminated. Now, to be sure --

CHAIRMAN RODDA: That's a rather important input.

MR. SUGARMAN: Because there wouldn't be the traditional school districts. Now, to be sure the state may choose to replace that with, let us say we have talked in some of our writing about a state-wide uniform tax on industrial and commercial property to solve what we consider to be some problems of industrial enclaves. I might say that this is not our main objective to suggest ways of financing, but just to point out that we have eliminated at least at the local level the local property tax for schools as a necessary correlative of the plan and, therefore, we have gone ahead and calculated to the best we can how much home owners are various income classes, and how much renters at various income classes, with the assistance of people involved with this committee, and we have tried to estimate how much they pay presently through those taxes and we have tried to gear the percentage at the amount that a family at $10,000 would pay under the proposed system for an average school, let's say an $800 school, to about what the family pays now because we are quite cognizant that you have this problem, and I might say abstractly what we are trying to do is make the burden on each family the same.

Now, I realize when you get down to the numbers there's a problem with this, but abstractly we feel you can quite easily understand that a certain amount of dollar burden on that $7500 family becomes a certain percentage which is about the same burden that another higher dollar but similar percentage burden is on a wealthier family.

CHAIRMAN RODDA: You are talking about two taxes, you are talking about the extra tax they pay to put a child in a quality school and the regular tax they would have to pay to put their children in school, which is in lieu of the property tax?

MR. SUGARMAN: I'm sorry, no. Under our proposal there is this self-imposed tax. It would be either two per cent, as I say, perhaps for an $800 school --

CHAIRMAN RODDA: That's the only tax?

MR. SUGARMAN: That's the only tax, but, of course, all the money raised by that tax would not be enough to run the entire system. The state would have to tax generally to pay for the rest of the system.

CHAIRMAN RODDA: I might point out that the California Constitution, as you know, prohibits the taxation of the corporation or banker, insurance company, unless there is a two-thirds vote by both houses.

MR. SUGARMAN: I understand.

CHAIRMAN RODDA: So, you would almost of necessity be forced to go to a personal tax, which would be a sales tax or a personal income tax. In other words, what I am trying to do is play the role of trying to think this thing through because we have said in Medi-Cal that we would establish the same fee schedule for doctors for Medi-Cal and nonMedi-Cal, but we have departed from that. Even when we did it, certain doctors wouldn't accept Medi-Cal patients, and in order to achieve this kind of equality which I see is an underlying assumption of your whole thesis, in Medi-Cal it would be necessary to mandate it. But to mandate each doctor to accept a certain number of patients, even though the fee schedule is the same as his regular patients, which create almost an impossible political obstacle. Don't misunderstand me, I'm not trying to be hostile. I'm just trying to bring to the attention of the people some of the problems, and you are doing, your performance is excellent as I see it in responding, which indicates you thought through these problems, which is very gratifying.

MR. SUGARMAN: Let me say, as to this problem of forcing the seller to deal with whoever wants to be a buyer, if you want to put it that way, we have come down very hard in our proposal at least in favor of putting the power in the hands of the buyer. If you want to be a private school, let's say a privately managed school that receives voucher payments under our system, you have to agree to play by the rules. We don't care whether you are a university private interest group or a private corporation or a private entrepreneur or whatever other kind of people that might go into the school-providing business, you have to agree that you take all comers. Now, with that, I think I would like to turn it back to Professor Coons, who will try to outline for you some of the other very sticky difficult problems that we have thought about that one has to consider if we are going to have any kind of serious evaluation of a rather widespread voucher system, because to change from what we are presently accustomed to, there are just a great number of things concerned.

CHAIRMAN RODDA: Before you start, Senator Stiern has a question.

SENATOR STIERN: I understood in your presentation you talked about assuming the property tax on a local level would be eliminated.

MR. SUGARMAN: Yes.

SENATOR STIERN: Then, what do you do, is the state going to use the property tax to pick up that money?

MR. SUGARMAN: I would assume so.

SENATOR STIERN: What gain has the person at the local level if you merely are saying that the school district wouldn't be using the property tax to pick up the money, but the state will be doing it on a state level to pick it up in this manner. How does the local taxpayer gain by that?

MR. SUGARMAN: One approach would be to make the state tax only on commercial and industrial properties rather than residential property. Then we take it off the individuals who pay through their taxes or rent and not reimposed upon them through the state level. I mean, I think we all have to -- it's no secret that education under any system is going to cost a lot of money, and the money has to be raised through one form of tax or another.

However, I feel that the people who are concerned that home owners pay more than renters and that local governments can't raise for other governmental services the taxes at a higher rate any more and so on, that we might get a dramatic change in the way we finance, that would free up different alternatives. I mean, I am fully aware of the constitutional limits on taxing certain forms of business and the general political problems of imposing certain taxes, but I think that it should be realized that if any voucher system is to be adopted on a state level so that we don't just have a voucher system within a district which would then continue to perpetuate the problem, we have a lot of money in Beverly Hills and not very much in West Covina -- if we are going to have anything on a state level, we are going to have to shift to some kind of state taxes.

SENATOR STIERN: You just don't satisfy me on that point. I don't see why just because you assume the property tax is going to be removed at the local level, anything is gained by that if you turn around and pick it up at the state level. It looks like it's the same thing, only it's farther removed from the local people who want to control it at the local level, which is the hue and cry in many areas.

MR. SUGARMAN: One thing it clearly would do is that if you did reimpose it, it would be on a uniform burden. At present the people just to take the example I gave before in West Covina, have a tax rate which is probably twice that for schools that they have in Beverly Hills. If we reimposed it at a state level, the people who lived in the same value of house would be paying the same value tax, same amount of tax, rather than the people who live in rich suburbs getting away with a light tax.

SENATOR STIERN: Another thing that bothers me, and maybe it is not too pertinent to the subject, but you have made reference to the family having the choice of this or the family should do this, and you have respect for the family and so on and so forth. I might ask you if you have ever taken a look at what the family does in participation in electing their board members and what percentage of the families participate or show any concern at all in this regard, and if the percentage is extremely low, what would make you think they would participate so actively in the voucher system and choice of school for their children? They aren't even concerned about the people who govern their children.

MR. SUGARMAN: One might give two different kinds of answers to that. I would like to say first they would be forced to participate by having a tax level imposed upon themselves at one of the different levels. They would have to have at least, they would have to impose upon themselves the minimum tax in order to even send their children to the lowest-spending schools. They would have to make the choice as to whether or not they would participate in the affairs of the school to which they send their children. I would like to submit that at least in the very large urban centers there would be much greater incentive for them and probably we would see more willingness to participate when the governing body would be in charge of many fewer pupils than is the case today when we are talking in Los Angeles of 450,000 students. I can understand why the people feel rather removed, and this may well be a stimulation to get the family to participate.

SENATOR STIERN: What about the family where the parents have limited education or are illiterate and cannot make these decisions? What then?

MR. SUGARMAN: We are willing to believe that parents, regardless of their own personal experiences, ought to be given the right and the power to decide what they perhaps in consultation with their children when they get older is best for them and in any event, I feel that in more cases than not we are satisfying greater needs and greater matching of wants with goods and services this way than we do under the present system when it is imposed upon families by the local governmental body.

CHAIRMAN RODDA: Thank you. Professor Coons.

PROFESSOR COONS: I might add something, Senator Stiern, if I may, that I think is appropriate. We don't know how poor people feel about schooling very clearly. The one thing that we know is that people who live in poor districts have shown a much greater interest in taxing themselves heavily than people who live in rich districts. Now, it does not follow from that, that poor people care more about schooling than rich people because the way that statistics are gathered in this state, as in every other state, we don't know where poor people live with relation to school districts very clearly. It may be rich people are living in poor districts and poor people in rich districts, but by and large I am convinced in looking at this for seven or eight years that poor people on the whole tend to live in poor districts and they have shown a much greater interest in taxing themselves heavily.

Now, I might add that what little sociological evidence is available on the question from James Coleman and others who have attempted to probe into the interest of poor people in education, they display at least verbally a much greater interest in educating their children than do we who have had all the opportunities.

Now, practically speaking, they have never had a way to express this. They have had one choice, their neighborhood public school. I have no idea what they would do if they had the opportunity, but I think it is worth an experiment. I think it would be a very interesting thing to find out whether poor people really do care as much as they say they do about their children.

Now, let me say that the kind of models that we have described are not necessarily going to have to be pure. That is to say, our kind of approach with the variety of choices could be mixed with the so-called Harvard style in which there's a uniform quality. You could have a uniform quality for public schools and private schools generally that receive the voucher, but you might also have a kind of add-on in the sense of school stamps that might be purchasable by poor people at subsidized prices, but with which they could buy music lessons or tutorial services, remedial services of various kinds. There are all kinds of combinations of these different styles of voucher programs that ought to be considered.

Now, let me wind up with a number of issues that I think ought to be considered by the committee and I hope we are being helpful here. First, with respect to the distinction between what seems to be the OEO's current preferred model and the kind of model that we have offered to you here, I think it is important to see this, that it is a choice between a uniformity of quality in the sense of the two inputs that are traded off in the OEO model, that is, advantaged children or more money. This kind of equality idea that all schools are uniform in their quality, either they have more dollars or they have children who are easier to educate and who provide a kind of intellectual input, so it is an equality notion. The price of choosing more advantaged classmates would be that the school had less economic resources. It's a balance so all schools are equal.

Now, in the system we propose to you to consider, the schools are not in fact equal except in the sense that families have an equality of power to choose them. They can sacrifice more and get more above the minimum that the state decides is the adequate minimum that it will permit them to choose. Now, that's a very distinct value choice that you ought to consider.

It also involves the concept within it of compensation. The OEO model does not permit compensatory education. It is not a compensatory model, though it is labeled as such because the schools either have more advantaged children or they have more money. It's an equality model.

Now, the model we have offered you is compensatory in the sense that families could choose better education if they felt that their children needed compensatory inputs. It would, however, have to be chosen by the family and we recognize that some families that needed it would not choose it. That seems to be the price you pay if you are going to use the family and give it that kind of choice. So, you have to ask yourself, should parents be permitted to strive and want and receive more education for more effort? Should parents also be asked to pay something?

We think it is appropriate that they be asked to pay something.

CHAIRMAN RODDA: At this point I have a problem. If we go into this concept and for example a public school is assigned a level of operation which it does not reflect quality education or mediocre or medium quality education based on the dollar input, there appears to me by virtue of that fact that there must be some degree of uniformity within the educational program which assumes that all the input, pupil inputs are similar, and so, you have by that fact eliminated to a certain extent, as I see it, the possibility of the specialized education programs to meet educational needs of the child because there is X number of dollars. It is a medium quality educational program and the family may put his or her child there by paying a smaller percentage of the tax which is required. On the other hand, the family may choose not to put the child in that school because the child is relatively speaking a disadvantaged child, maybe he is hyperactive, maybe he is culturally disadvantaged, maybe he has a bilingual problem, so they wouldn't choose a superior quality of education which means that they choose a $1,000 foundation program as against a $1,600 program. Now, maybe my assumptions are wrong.

PROFESSOR COONS: I think so, Senator, but it is a problem.

CHAIRMAN RODDA: So, I take my child whom I know to be disadvantaged and I say I'll make the sacrifice, I'll pay the three per cent rather than the two per cent. My child goes into a school with a superior program where the child is going to compete with some pretty good students, I presume, and I doubt very much they would be involved in a specialized program for the disadvantaged. What happens to the child in this case?

PROFESSOR COONS: My notion of it is this, that if in fact the market response to the opportunity, that these clusters of people with specific interests, talents, needs, will find opportunity for satisfying their interest needs and so on at various levels of expenditure. I would suppose that a child of a specific characteristic with a specific need would find a school of the sort that he needs at various expenditure levels.

CHAIRMAN RODDA: What you are really saying then is that I'm knowledgeable enough to know that school A, which has a foundation program of $1,000, is not a school designed to educate the superior child, say the child who comes out of an advantaged home in Beverly Hills, but is a school that is designed to educate a disadvantaged child, but we are going to use the $1,000 to meet the educational needs of disadvantaged children so there will be environment, a different kind of environment than you would have in another school. So the parents are going through their choice and their involvement to develop that kind of a school. is that what you are telling me?

PROFESSOR COONS: One of the things you must think about, it seems to me, if this becomes a serious issue, is the kind of flow of information and communication from the system to the parents. It's a hard problem, but not an insoluble one, we think, and we offer you as part of Article 7 of the Family Choice in Education Act a system for input and feed back from the Superintendent of Public Instruction who has this responsibility under the act to see to it that a system of communication is developed.

Now, we have specified one rather elaborately, but all kinds of information or inputs will have to be given families and I suspect that this would be a real challenge to the representatives of the poor, to see to it that they are informed in their choices. This is what social workers are all about, or what they should be doing if these kinds of opportunities for variety and tailoring to the needs of the individual family are available. Will it work? I don't know until we experiment.

CHAIRMAN RODDA: I appreciate very much the fact that you have expressed the kind of concerns that you have expressed and outlined the kind of programs that you think are necessary to implement the quality education which is designed to meet the needs of individual students.

PROFESSOR COONS: Thank you, Senator. You can't really come to grips with this until you take each individual issue. We have tried to do this, but let me take off a few very quickly -- do I still have a little time?

CHAIRMAN RODDA: Sure. I'm embarrassed that there are only two of us here. That's the only thing that bothers me.

PROFESSOR COONS: We are delighted at the individualized attention.

SENATOR STIERN: Let me say, I think I'm weird this way, I think in Beverly Hills there are probably disadvantaged children, too, kids that never see their dads very often and when we think of rich districts we tend to think of Beverly Hills and big homes. I can think of some districts of comparable wealth with big homes that don't have those kinds of houses sitting on the ground.

PROFESSOR COONS: Emeryville.

SENATOR STIERNS: Some of the places where oil wells exist, so that children can come from very very wealthy districts who do not have the home situation and cultural advantages of children in Beverly Hills.

PROFESSOR COONS: Senator, the primary characteristics of our present school financial system is chaos. It is absolute unmitigated irrationality that the dispensation of resources in this state could be so wildly unconnected with any education need and I hope the court will speak.

CHAIRMAN RODDA: Many legislators who recognized that factor and tried to do something about it are no longer here.

PROFESSOR COONS: That's part of the argument to the court, that the Legislature cannot break the log jam, that this is a job for the judiciary just as reapportionment was a job for the judiciary because it was politically impossible for the Legislature to do it.

Just a couple of points that are important. I can quit now, of course, if you wish.

CHAIRMAN RODDA: No, we want to hear you.

PROFESSOR COONS: One of the questions obviously is the scope of freedom that the structure of the Legislature would give to the private school and to the public school also in terms of curriculum and in terms of teacher hiring. We won't go into that detail, but that is a serious question that we have attended to in detail in our own statute, and it seems to me that the Legislature ought to think about this. Another one, and this has very important political implications, is the question of job security.

Now, if in fact, you are going to move to the kind of units or more private units or public units that are decentralized in different kinds of ways than they are now, the security of teachers, the security of principals, the security of all kinds of administrators must be attended to in a sensible humane and rational way. We hope we have done so in Article 4 of the statute.

CHAIRMAN RODDA: I might point this out, if you don't do it, we are going to introduce unionization in the schools, union contracts. Go ahead, I'm sorry.

PROFESSOR COONS: I don't wish to respond to that by saying yes because I'm not sure that's bad. I have no opinion on that question. That is certainly a possibility, and certainly industry-wide bargaining is a possibility under such an arrangement. It may be good for the unions, it may not. I know that the union response to the Friedman style plan has been negative, but whether it would respond negatively to these kinds of opportunities which are quite different, I cannot say. One has to reflect on how important it is to the Legislature in its view that quality of competition may be maintained among the unit.

Now, you will find, if you examine the model act that we have offered you, that we have made a very strenuous effort to make the various units of education, both public and private, on a par as far as their competitive status is concerned. We have insulated each public school from rescue if it turns out to be an inefficient school. It has to live on its clientele just as the private school will have to live on its clientele. We have forbidden private schools from adding on over and above, with certain exceptions, we have forbidden, for example, affluent ideological interests such as, let us say, the archbishop of X who has a number of schools that he wishes to run and he wishes them to be the best schools. We think it is improper for him to be able to have not only the public input but an additional large source of funds in order to make his school superior to those of other ideological interests that do not have those resources. Now, that's a value judgment. It may be wrong.

It may be one that you don't like, but it is one that you ought to consider and it is dealt with in the statute in detail.

CHAIRMAN RODDA: Then, I would say it is quite possible if this concept were implemented you would have two basic systems of education, one totally privately funded and then a system publicly financed but embracing publicly controlled and privately controlled schools.

MR. SUGARMAN: That's right. However, there is much detail to be ironed out within that generalization. We have incidentally suggested an elaborate test within the competitive framework. We have suggested a limitation on the possibility of using free services, for example, the teaching nun ought to be counted as income to the school in effect, the services of the teaching nun. Student transfers and disciplinary problems have to be considered because in a competitive market, if one were able to shuffle off all of the hard education cases without any limitation whatsoever, it would seem to me to impose a very serious problem in terms of fairness to other schools and to other students and to students themselves, and that's Articles 18 through 21 of the statute, problems of whether you wish to provide incentives to entrepreneurship.

We have in Article 15 provided a guaranteed loan program similar to the FHA program for entrepreneurs who wish to enter the school market. It may be that you do not want to stimulate that kind of entry, but that's something to worry about. There is also the question of profit limitations. Do you wish to have profit-making institutions? We think it is appropriate. Do you wish to have a profit limit on such institutions? We have decided not. On the other hand, it would be perfectly plausible to have a limitation. The scope and character of the regulatory power of the Superintendent of Public Instruction is a very difficult issue. How much should he be able to in his discretion control the character of the various units of public and private instruction? How much should be left to the individual, as we call him, the chief administrator of an individual public school, or how much should be left to the private school, is not an easy issue. You have the scope and character of administrative action and judicial review, the problems of hearings, notice, and all of these must be taken care of in such a statute.

And finally, it seems to me that one must ask to what extent the state wants to be pre-empted by the decision of the federal government. Now, there is an opportunity, I think, for the state to set the basic pattern of vouchers in a way that will be lost if the ball is left in the hands of the federal government, and if the game is one in which the federal government decides what the basic rules are and the state simply adheres or responds.

If the state decides to adopt a uniform kind of system, experimental system, for a given area, and, of course, that's another question, what area, I am confident that the federal government will be happy to put in its input, but it seems to me it is appropriate for the state to decide what the character, the basic character of that kind of system should be.

I am through and I thank you very much for the enormous time that you have given us.

CHAIRMAN RODDA: We certainly appreciate your willingness to come. Any additional questions? Well, thank you very much, and I'll study this material very carefully and we may call on you again and we appreciate your interest.

MR. SUGARMAN: Thank you for giving us the time.

CHAIRMAN RODDA: Thank you. Now, let's see, I think we will go to Wayne Carothers, speaking on behalf of the California Teachers' Association, and is Mr. James Lewis to accompany you?

MR. CAROTHERS: Mr. Chairman and members of the committee, I am Wayne Carothers, representing the California Teachers' Association. We did not wish Senator Bradley to be disappointed that CTA would be voiceless on this occasion. We have a very brief statement for the record, Mr. Chairman, and then I have with me Mr. James Lewis, Human Relations Executive of the California Teachers' Association, who will speak briefly on only one component of our concerns regarding public funds for nonpublic schools.

We could say that the issue of public funds to nonpublic schools is of extreme importance to all educators and the California Teachers' Association would like to make its position very clear on this critical issue. First, we understand and are greatly concerned with the financial plight of the nonpublic schools. We know that nonpublic schools having a student enrollment of over 500,000 are fulfilling an extremely important function in California education and frankly we would not relish the prospect of having to absorb another half million students at a time when we are unable to finance and provide for adequate programs for students now enrolled in the public schools. We recognize that some new solution must be found quickly to solve the financial dilemma facing the public schools and nonpublic schools.

However, CTA feels that solutions must be beneficial to both systems and to all school children. We attempt to examine each new proposal as carefully as possible in order to determine or predict the possible results. We have submitted recent proposals suggesting the use of vouchers to such an intense analysis, and as a result we raise some important questions and we have developed some very deep concerns.

We would ask our colleagues in the nonpublic schools to join with us in a careful examination of all proposals. We would ask them, for example, to study the history of government support to private programs to determine to what extent they might expect governmental controls. We find it extremely difficult to identify examples in democratic societies whereby government funding has not resulted in government restrictions and controls.

We feel that the great advantage under the current system is that parents have a choice between private schools with their specific curriculums and the public schools with their broad offerings. If government monies are allocated to nonpublic schools, then government must set standards and restrictions to govern those schools. To think the subsidies can be gained without such restrictions is unrealistic.

We would further submit that the imposition of government rules and regulations would eventually destroy the basic functions as presently established of most nonpublic schools. CTA is fully aware of the current proposal. To fully finance a voucher system to absorb this ADA in the public schools, we are talking about $450 million at current expenditure rates and this means getting money from the existing public school program, which is already in a state of near financial collapse, or new revenue must be raised through higher taxes and we are certainly aware, Senator Rodda, of your comments regarding where these taxes would come from, particularly with the high burden being borne by the local property taxes, and we recognize it would have to be imposed on sales and income taxes primarily.

With the state's financial plight we feel the chances of gaining sufficient new revenues appears very slim.

CTA has other concerns. How will long-range planning by school administrators and boards be possible under a voucher system? What will prevent a proliferation of schools at a time when our educational system is so badly fragmented that articulation is difficult? What will prevent stratification and segregation, both economic and social, under such a system? What will prevent the exploitation of parents and students if it becomes profitable to operate proprietary schools? We are also concerned with such matters as student health and safety. We are concerned with minimum certification requirements for teachers. We are concerned with class sizes, and, of course with adequate curriculum offerings, and I could go on with this list of concerns, but I will conclude by saying that historically we feel that you can measure America's greatness by the support of free public schools. The proposal to provide public funds to nonpublic schools is a major potentially dangerous departure from a successful tradition. We are concerned with the success of our schools, public and nonpublic, but we feel if we do as we have done in the past, clearly define what the duties of public schools are to be and then support them with adequate financing and with faith, we can be sure that they will continue to be successful.

At this time I would call on Mr. James Lewis, who will speak to one of the specific problems that we have grave concern for. Jim.

MR. LEWIS: Thank you very much. We are very grateful for this opportunity to explore at least some of the basic questions that we feel should be explored especially in terms of the possibility of greater segregation and a greater stratification that might result from the introduction of such programs.

There is also, of course, the matter of exploitation of parents and other groups. If we look at this, we are bound to see that it's possible that such a plan, such a program, such a structuring of the educational market place concept can in essence perpetrate a rather cruel hoax. There are some basic questions that it seems should be answered, questions that relate to several general areas.

One is, how about the matter of commitment to high standards? We have heard from the proponents of such a program that higher standards would be part of a plan, but we do know that there are varying kinds of interest in this. We are introducing in the educational market place concept the profit motive. How about those that are much more aware of profits than the kind of standards that we are talking about?

How about those other interests in education, those that represent varying groups that are much more interested in indoctrination than any kind of education for participation in the democratic process? We are interested also in questions around diversification on the part of certain kinds of industries that, of course, are much more interested in the diversification of their industry than they are in education. It boils down again perhaps to profit.

Secondly, the number two question or general area, has to do with the availability of services. Availability of services is one thing to talk about in terms of structure, but there is this matter of the functional aspect. What about availability of services to certain kinds of communites? It has to do maybe with what kind of capital investment those people that are interested in establishing private schools would have.

What about the availability of capital to certain groups and the lack of such capital to other groups? We also have the matter of transportation. If indeed a person is able to choose whatever school he wants to attend, how about the added expense of transportation relative to this? I wonder sometimes if we have faced very realistically that particular situation. How are they going to get to the school if indeed they choose it? It means an added expense.

And number three, how about the market which is sharper. We can talk all we want about the matter of presenting and having available certain kinds of services, but I think it is a very interesting thing that has happened, that we have seen in the matter of the educational market place situation. It has also some relationship to the marketwise shopper. How are we going to help them make such choices?

I have here a telegram that was sent out from the Office of Consumer Relations. It's very interesting. Even with the kind of controls that we have it is found that more and more education has to be given to the shopper in those particular areas where they have to go into the market place. Now, the telegram in regard to consumer education talks about the role and emphasizes the role of the consumer education to help consumers combat growing fraud and deception and make intelligent decisions in the market place. I think that such a committee as this would certainly probably know of the kind of choices. Think of the kind of choices that have to be made in a hearing such as this, but those consumers out there, the parents, and those that will have to make those kinds of choices, what is going to be done to help them in terms of that kind of choice?

We have also this matter of staffing, the inequity perhaps that might result, cutthroat competition in the hiring of teachers. Teachers would be lured away and brought into those particular areas that have more money to pay.

Let's get down to the fourth one, which is freedom of choice. This is basic. Freedom of choice is very very interesting and I would like to also quote from another man from Harvard who is a Dr. Pettigrew, who says in talking about this matter of freedom of choice that we have had nothing but segregation in our children for so long that when we leave them the freedom of choice they will choose what they have had. That is seemingly the tendency. This has come out of all the research data, they will choose what they have had. We are now seeing this in the separatist movement in this country. The separatist movement, for there has always been separatism in the Negro community, and similarly the whites who have only known homogeneous white schools will continue to prefer this.

What is this going to do in this whole matter of segregation, desegregation and so forth in our schools? Well, it seems that this is at the heart of the matter. These are hard questions.

The fifth and last is the matter of controls. This nation has experienced this over many many decades, this matter of trying to make some kind of controls for the market place. If we are going to bring education into this kind of market place concept, what are we going to do to help in this matter of controlling that market place? Let me give one illustration. It is not, you know, the idyllic kind of situation that may have been presented relative to this market place concept. It can be a jungle, you know. It can be a jungle and we have seen it in every other aspect of that kind of operation of the consumer situation of the market place concept.

I think that all of us here are aware that in the ghettos and in the minority communites, they have to pay more for the same kind of product. This has been brought out over and over and over again. The con artists, the crooks, the cheats, the charlatans, prey upon those communities. Who is going to help them decide? Well, these are some of the questions.

It seems also that there is this matter that the state has some obligation and some responsibility to help its people get those skills, the knowledge and intellectual tools to participate in society. I have heard it thrown around about the monopoly of the state. Well, it seems to be a responsibility of the state to help in the socialization of its people. I know of no society on earth that has been able to perpetuate itself and no society certainly that has been able to carry on if it didn't assume those kinds of responsibilities. Thank you very much.

CHAIRMAN RODDA: Any questions? Do you recall the language of the voucher plan legislation of last session? If you look at it you will remember, I'm sure and I presume that's true of the existing legislation, although it's not in print yet, I don't think, but it specifically provided that private schools would not be subject to any so-called, if we may use the term from the business community, to input controls. So, the language excluded reference to credentialing, size of class, teacher aides, length of the school day, or any other kind of controls. You made some slight reference to balancing minorities. Really what they are saying in that legislation, which is quite different in its character from that which was proposed by the gentlemen before us, Professor Coons and Mr. Sugarman, that legislation in effect said you will take money out of the public treasury and fund a public system of education which contains significant detailed input controls and say that it then will compete with the private system of education, which has no input controls or very very nominal input controls, and then the argument is made that you are providing a competitive situation. It's not at all. I think that we either put the controls into the private system or we take the controls out of the public system, and then I think you would have a condition of equality as far as competition is concerned, or would you agree? I'm sure you would.

MR. CAROTHERS: Later in this hearing we will have Mr. Robert Stahl, who has done an extensive study on this and I think that he will raise some of these points and provide you with a copy of the study to show what happens when you do not have controls between the public contracted sphere and the public schools.

CHAIRMAN RODDA: All right. Gentlemen, it's noon, but we would like to hear from Mr. Gordon Winton. Is he here? How long will your testimony be, Mr. Winton?

MR. WINTON: Senator Rodda, I'll make this brief.

I'll say amen to everything that Wayne Carothers said and let it go at that.

CHAIRMAN RODDA: You mean to say you are teaming up with the CTA? Let that be recorded for the amusement of posterity.

We will recess for lunch and try to be back at a quarter to two. Thank you very much.

(Thereupon the noon recess was taken.)

TUESDAY, JANUARY 12, 1971, 2:00 O'CLOCK, P.M.

---o0o---

CHAIRMAN RODDA: Well, I think we should start the hearing. We don't know whether we will have additional Senators here or not. I think Senator Bradley is going to join us, but Senator Stiern has an appointment later on this afternoon so we better proceed with our testimony. At this time I would like to call for David Cohen, Director and Research Associate of the Center for Educational Policy Research, and Associate Professor of Education, Harvard University. He has come out to the coast to give us an input. Will you step forward to the microphone and identify yourself, please.

MR. COHEN: Thank you, Mr. Chairman. My name is David Cohen. I teach at the School of Education at Harvard University and have been serving as the Associate Director of the feasibility study of education tuition vouchers.

I would like to speak briefly this afternoon to the issue which I understand to be before the Senate and this committee, namely, whether the Legislature should authorize an experiment, a demonstration project in one school district in California.

CHAIRMAN RODDA: May I point out, Dr. Cohen, there is legislation already in -- it has been introduced on the Assembly side.

MR. COHEN: Yes. The Center and its staff has been working with a number of school districts in an effort to promote a test of the tuition voucher concept. Our concern is with experimentation. We are anxious to learn more about the consequences of this alternative approach to financing education.

Most of the discussion about tuition vouchers, about this experiment, goes on as though we were discussing changing the basis of school financing in California or Washington or whatever state. That is not our interest. We are not advocating a change in the basis of school finance. We are interested in experiment.

There are several questions which remain unanswered about the voucher concept. The two principal areas of concern have to do with the effects of this method of school finance on students and parents, and its effect on schools. And in my view most of those who oppose the experiment, who oppose the effort to rationally and carefully get the answers to those questions are afraid of the answers. I can see no other explanation for opposition to one demonstration project on a modest scale, and it seems to me that that is unfortunate.

I can think of no evil consequences that would flow from a carefully controlled and carried out experiment. I can think of many good consequences. But since most of the discussion has centered on the merits of tuition vouchers as though we were discussing switching the basis of school finance in California, I would like to speak briefly to what I would expect to happen were this scheme adopted in a school district or indeed in the state, what we expect to happen to schools.

I think perhaps the most important consequence of implementing the voucher scheme which was set out in our study would be that confidence in the public schools which has been declining largely over the past decade would be restored. I think the reason for this is not far to search. If parents are given the chance to choose the source of education which their children shall receive, it's hard to imagine that they would be anything but more satisfied than is presently the case. I think that point draws force from the fact that most of the present dissatisfaction with the public schools derives largely from the absence of alternatives, the absence of choice.

I think a second consequence of adopting a voucher scheme would be to increase the variety of educational offerings available to parents and to increase competition within the school system. Now, I do not believe that it is sensible to think about public education as a matter for competition in the same sense that we think about competition in the market for automobiles. But I do think it makes sense to envision greater choice and the provision of more diverse educational services.

A regulated voucher scheme could accomplish those ends without opening the schools to hucksterism and the like.

A third consequence of the adoption of a regulated voucher scheme, I think, would be to expand the public system. Most discussion of education vouchers assumed that somehow this would involve subsidizing private schools, that the affluent and privileged private schools would receive even more state aid than is presently the case under their exemptions. This is not true. The scheme which we devised, and I think the only sensible scheme, would make public subsidy contingent upon the schools meeting the criteria of fairness, nondiscrimination, open admissions, and so on, which we would like presently to apply to the public schools. So that to imagine that tuition vouchers would create, would subsidize a competing school system, would subsidize private schools, I think is the wrong way to conceive of this idea. Rather we draw the ring of publicness somewhat broader but there would be many many schools which for one reason or another, for religious reasons or for educational reasons or for social reasons, would reject the restrictions on public subsidies, so public schools would persist. The private schools would persist, and there would be more public schools, and within those schools now in the public system we would have more competition and I think a healthier kind of diversity.

SENATOR BRADLEY: Mr. Cohen, how would you have more public schools? I don't quite follow the logic.

MR. COHEN: I think the likelihood is that in the fees, for example, the community organizations or universities or other public agencies would seek to operate schools and attract parents to those schools.

SENATOR BRADLEY: Maybe I'm misunderstanding your definition of a public school. Do you mean more private --

MR. COHEN: No, I mean more public schools because under our scheme it would be impossible to receive state subsidies unless admission to the school were open. In other words, we regard --

SENATOR BRADLEY: Let's take the elementary level and the secondary level of public education and for the sake of an example, let's take the case of K through elementary grades and the four-year high school concept of secondary, are you saying that in your opinion if we had the voucher system there would be more of this type of school as a public school?

MR. COHEN: No, I wasn't speaking of the question of enrollment. I was speaking of the question of sources of supply in education, that the sources of supply would be more various; that in addition to schools operated by the school board, there would be schools operated by multi-city agencies or by nonprofit parents, cooperatives, or by community organizations, or by universities, but that they would be public. That is, admissions would have to be open, communists and the socialists. Would it not be possible for communists in California to set up a school or a series of schools and we would find ourselves maybe in the position of through the voucher system making it possible for those parents who wanted to send children to such a school to be literally able to do so using public funds to accomplish it?

MR. COHEN: The only legislation I have read, Senator, is the so-called Campbell Bill which makes provision for that.

SENATOR BRADLEY: Makes an exception?

MR. COHEN: It makes a very clear exception to that type of thing.

SENATOR BRADLEY: Are you by any chance familiar with the Mid Peninsula Free University Association?

MR. COHEN: I'm not a collector of exotic -- '

SENATOR BRADLEY: I could give you some very exotic admission pamphlets, quarterly admission pamphlets by the Mid Peninsula Free University Association, and I would hate to think we were by chance -- of course, this would presumably be higher education, so maybe this wouldn't come quite so close to being an example.

MR. COHEN: I think my general response to that concern is that freedom is always a problem.

SENATOR BRADLEY: Well, would you go so far as to say that if such a voucher system were established that it would be perhaps necessary that we set up some standards as to who can set up schools and what they constitute in the way of teaching -- minimum standards, I suppose, is what it would be.

MR. COHEN: Well, I think the general question of minimum standards is very important. I think to establish a system of school financing in which the consumer chooses the basis of schooling, makes it absolutely imperative that at the local and the state level there be strong agencies concerned with minimum standards, and that these agencies have a strong interest in the consumers of education, let us say, children and their parents. I think it is very important to do that sort of thing to avoid the obvious problems of fraud, improper counseling and so on and so forth. I think that's very important. Those are, after all, many of the problems that perturb people with the schools today.

As to the narrow political question, what doctrines are teachable or not teachable in the schools, I would not venture an opinion on that one.

SENATOR BRADLEY: I presume that if communists set up a school they wouldn't limit it to just the teaching of communism, but there would be sort of a built-in opportunity for them to indoctrinate students. Of course, you know, it's going on now. I don't presume to say that we don't have some socialist and communist teachers now that use the classrooms for their indirect approach on some of these things. It just disturbed me that we might be setting up a whole school and subsidizing it.

MR. COHEN: Of course, it works from both ends of the spectrum.

SENATOR BRADLEY: I only work from one end.

MR. COHEN: I sort of had that impression.

CHAIRMAN RODDA: Senator Grunsky is now with us, the senior member of the committee, I might point out. Would you continue?

MR. COHEN: Yes. Thank you, Mr. Chairman. I just had a few more things to say about what one might expect from a school system operating on the basis of vouchers. I think at least in the regulated voucher scheme which we have devised, it would reduce the barriers to racial integration. That is to say, it would make it easier to move against racial segregation. I think the point is fairly straightforward. We have argued that the only acceptable form of voucher funding for schools is one in which there is a very carefully controlled nondiscriminatory admissions policy which assures that in effect everyone who applies to the school has an equal chance of getting it, so that this would automatically eliminate the geographical and demographic barriers to school integration.

White parents who want their kids to attend integrated schools now and who live in an all white neighborhood or jurisdiction, have literally no option. Under a voucher scheme they would have an option. The same would hold for black parents, so it would make it much easier to accomplish racial integration.

Of course, were one to adopt an unregulated voucher scheme, it would make it much easier to accomplish greater segregation.

CHAIRMAN RODDA: May I ask you a question? As I listen to you, I have come to the conclusion that you would be in agreement with our witnesses, Mr. Coons and Mr. Sugarman, who testified this morning to the effect that a voucher system in order to implement the objectives which are usually stated as meaningful, could only be achieved if the concept was implemented with very complicated control legislation; that just a straight voucher system could possibly be self-defeating granting the statement of your objectives that you envision.

MR. COHEN: Well, I think the same thing can be said of public education as it now stands. The experience of the Legislature and the State Department of Education and the local educational authorities have been that regulation is necessary. I would hesitate a bit at the phrase "very complicated". I think that the net bureaucratic burden in the provision of public education would be much reduced if we moved to a system of voucher education because the school would become the unit of decision which is, I think, from the point of view of educational administration or organizational theory or school management, is a very sensible thing to do because that's where more than 85 per cent of the money is. That's where the crucial transactions occur and having education financed on the basis of vouchers would shortly reduce the need for school authorities and, therefore, would reduce the bureaucratic burden. It would make it important to provide more assistance for consumers and to maintain an active concern with what Senator Bradley concerned minimum standards, so I would say on the whole the complexity of the organization of public education under vouchers would be much reduced.

What I think is terribly important is that it would bring citizens much closer to the important decisions in this particular public service which in most states concerns almost half the state budget. That's very important, and it is an importance which is far beyond education.

I do not believe that simply adding more regulatory mechanisms to the established school system will deal with the problem of responsiveness. On the contrary, I think it will probably compound the problem of unresponsiveness.

I think that tuition vouchers carefully regulated would help a lot. So, it is complicated, but then government is complicated. There's no way to avoid that. I think it would be on the whole less complicated. Well, I don't want to take more of your time.

CHAIRMAN RODDA: Would you proceed?

MR. COHEN: I may be wrong in any one of the speculations I indulged in about what a school system operating on the basis of vouchers would be like. It's conceivable that the demand for alternative forms of education is much less than we think it is. It's conceivable that its effect on the public schools would be much less happy than we expect. It's conceivable that it would bring serious hardships to public schools instead of simply stimulating them to a somewhat greater effort and flexibility. All of those things are possible and I think one would have to be a madman to maintain that all the answers are in now before we tried it. I don't maintain that. All the answers are not in. We don't know exactly what would happen to children or parents, but I think we know enough to know how to design a sane and reasonable experiment to get the answers to those questions.

And, in my view, the problems of the public schools at the state and the local levels in the urban states are such that it would be a great misfortune not to take the opportunity to launch one experiment. The very worst that could happen, I think, is that we would learn that vouchers are not the attractive scheme that we believe them to be. I think that's the worst that could happen. That's not very bad. The best that could happen or somewhat better consequences, would be to learn that perhaps the scheme should be modified or perhaps it should be compared to other approaches to accountability, but I would emphasize that the worst that could happen in a carefully designed experiment is that we would learn it's a bad idea. I think that's a sensible approach to improving education. Thank you very much, Mr. Chairman.

CHAIRMAN RODDA: Could I ask a question? How long do you think that a pilot program would have to be in operation for us to obtain adequate feedback for meaningful evaluation?

MR. COHEN: It depends on the question you want to answer. If you are concerned about its effect on children, I think it would be possible to tell within a couple of years in a fairly viable way whether there would be any negative effects that we can measure with standardized tests. If you were concerned about the effect on the public schools, the existing public schools, I think it would be necessary to wait for a little bit longer time, perhaps four years, because innovations always create a kind of whirlwind in attention and I think you would want us to wait until the dust settled to see just what sort of effect it did have on the public schools. Did it stimulate them a great deal, did it cause them a great deal of hardship, and so on and so forth.

CHAIRMAN RODDA: Do you have any concerns at all about the effect of standardized tests on education and the principal thrust of this question is, is it conceivable that the standardization of tests in order to measure the skills might produce an education which was extremely narrow in its scope.

MR. COHEN: I agree. I think simply to use standardized tests is not a very good idea.

CHAIRMAN RODDA: Then, you would agree, I suppose, that any evaluation would have to be broader than the testing achievement in certain skilled areas?

MR. COHEN: That's right, but I do think it is important that most parents and most authorities would be very distressed to learn that their children were suffering in those areas, so that I think such tests should be included in any evaluation, but there's much more to education than standardized tests.

CHAIRMAN RODDA: You are a professor of education. Are you involved at all in the preparation of teachers and credentialing of teachers?

MR. COHEN: That's right. As it happens, the school of education at Harvard expends most of its resources on administrators and subject matter specialists and so on, but we do have a teacher training program.

CHAIRMAN RODDA: In the Campbell legislation, as I recall the bill, there was no provision for credential requirements for teachers.

MR. COHEN: The bill specifically waived that for the purposes of demonstration.

CHAIRMAN RODDA: All kinds of input controls existing in our public schools were waived practically?

MR. COHEN: Well, as I am sure you are aware, the question of credentialing has received some extended attention from this Legislature and I gather that Assemblyman Ryan's bill has been passed, signed and so on, and my own view is that we can afford a great deal more flexibility in credentialing than presently exists. Certainly I can say with no hesitation that we have been absolutely unable to discover any relationship between the degree of a teacher's credential or experience, or the sort of degree he or she has and their effectiveness in producing achievement in children. That fundamental and primary relationship does not seem to exist, and the research on this point, I think, is quite conclusive, which tells me that we have some possibility to experiment with different sorts of accreditation. Maybe teachers should be accredited the way doctors are, as a result of extensive observed clinical training, instead of simply on the basis of taking high school education courses. So, that particular exception for the purposes of demonstration doesn't trouble me a bit. I think it would give the schools more flexibility, which in a short-term demonstration project they need.

CHAIRMAN RODDA: Aren't you suggesting that we establish public funds to competing type educational institutions, one of which is subject to input controls and the other is not subject to input controls, and we are saying then if it is valid to conclude that there isn't any relationship between teacher preparation which is measured by credentialing and teacher effectiveness or productivity in the class, if you can apply that on a non-publicly financed school, why doesn't the same logic apply then to a public school, and then why don't we put the two systems on the basis of equality in the very initial phase of our discussion of the problem?

MR. COHEN: Well, I would not advocate precipitous behavior in something as important as this. I personally am very concerned about teachers and maintaining their integrity. I think it would be a serious mistake to simply, well, let me put it positively, on the question of a different approach to credentialing, I think serious departures from existing norms deserve the same type of experimental attention that I am advocating for vouchers. I don't think it makes sense to meddle with something as important as the teaching staff of the state or its children on a wholesale basis without first trying it out and seeing what happens.

CHAIRMAN RODDA: I don't want to belabor this point, but I think it is rather critical. For example, in the pilot program as in the Campbell Bill, as I recall it, and it has been three or four months since I read it, the plan was to be implemented through the cooperation and assistance of a neighborhood school, and then the vouchers would be utilized to authorize parents to send children to those public schools which would continue to function within the present context of the education code as it relates to input controls, but at the same time that they could also use the vouchers to attend privately operated schools, whether parochial, as long as it was not sectarian education which is really difficult to determine, which would require legislation, which would require meddling in the parochial school in its curriculum. Now, it seems to me on such a limited pilot program if we want to experiment honestly, we ought to say that both the public and private schools would compete on an equal basis.

MR. COHEN: That wasn't my reading of the legislation. I may be mistaken. My understanding was the governing board of this experiment would have the authority to lift those requirements for certification and credentialing whether in the public or private schools. Now, I may be mistaken, but that was my understanding of it. It has been sometime since I read it, which means tenure. If you turn out to be correct, Mr. Chairman, I think your question is right. I mean, from the scientific viewpoint that would be kind of a cockeyed experiment.

CHAIRMAN RODDA: We want to use you since we have you. This gentleman came from Harvard. He came out here to testify, and we appreciate it very much. I want you to know that. Your input is very valuable to us, but I have been, you know, somewhat concerned about the criticism that's being made of the public schools because in my view a great deal of it is destructive rather than constructive and for a period of time beginning in the late 1950's, especially after Sputnik, the criticism was directed at the failure of the public schools and particularly in California, to deal effectively with basic skills areas, and we had an extensive evaluation of our public school system and ended up with three pieces of legislation, curriculum control at the state level, teacher credentials act, and the state-wide testing. Since that time two of those laws have been repealed and we have significantly modified the state-wide testing program, and obviously the state-wide testing program hasn't had the desired effect, although it has cost us a considerable amount of money. But there still is some concern about the failure of public education basic skills areas, and the attacks go on and the public is grasping this concept predicated upon the feeling that there are problems in the school that their children can't cope with, their teachers cannot cope with, and the desirable thing would be to provide the means whereby they could escape into a more protective type of academic atmosphere for the kind of things they would like their children to be taught. It might be religious education, it might be an education which is ideological, or it might be education totally involved in skills preparation, and I see this in a sense as a real threat to public education, which traditionally has been involved in trying to create an amalgamation of dissimilar cultures with ethnic backgrounds in our society in such a way that we would have, you might say, an agreed upon moral basis upon which to build our society. And now, you know, there is a counterculture developing, you can call it an adversary culture, which is more far reaching than we think and it has reached the colleges and through the high schools and it is down into the junior high schools, and it is causing many young people to look at the conventional system of education as irrelevant because the conventional system of education, which is namely public education, is designed to teach not the religious point of view of the Christ, but rather the basic values which we need or regard as essential to the institutions of democracy and so-called free society.

Now, my feeling is that to a great extent the schools are failing and the teachers are failing and we are looking at the wrong problem, we are looking at the wrong inputs. The major input is the child and the child is moving toward a drug culture, the child is influenced more not by the church, the family or the school, he is more influenced by television and mass communication. Many children are going into the drug culture, many children are alienated, many children are actually prescribed tranquilizers because they are hyperactive, and many children are at each other's throats because of racial questions in our schools, and so what's happening is that the child input has dramatically changed and all of our experimentation and all of our efforts to strengthen the teacher input have failed and I think they will consistently fail as long as we don't recognize the change that's taking place in the child. So, what I'm afraid of is that the voucher system will enable individuals to take their children from the public system, give them a privately specialized skill type education, religious education, which is really in a sense supported indirectly with public funds, or an ideological education as Senator Bradley says, and the effect is the public schools, unless you put some serious controls in the voucher system, will end up worse off than they were before.

MR. COHEN: Schools of last resort.

CHAIRMAN RODDA: And we will have the public school teachers and the public schools in an even worse situation in trying to deal with the very complicated problem and a very complicated society with children who no longer fit the same mold, and besides that, we have imposed on the schools a tremendous demand.

We say educate the mentally retarded, educate the physically handicapped, educate the emotionally disturbed, educate the gifted, educate the culturally disadvantaged, give special education for the problem child with the bilingual structure. This is what we are telling the public schools to do. These are input controls. Now, really, honestly, is the voucher system going to lead to the creation of a private controlled system of public education which is going to have the mandate to do the same thing we want the public schools to do and they are competitive. That's a long question.

MR. COHEN: I might say, Mr. Chairman, my interest in education began when I went to work for the Commission on Civil Rights in Washington. I entered the study as a skeptic. Most of us did, and the questions you just raised didn't escape us. In the first place I think it is necessary to think about what Americans want from their schools and what legislators want from the schools that they support and those are two very important considerations. I think when we think about the population in this country, at least our own research on the determinants of educational taste suggest to us very very strongly that most people would not remove their schildren from the public schools, that they would not become schools of last resort. Most Americans, if you look at national population samples and so on, are not distressed about their schools and when they are asked if they would accept money to send their kids to an alternative school, they say, no, they are happy with the public schools. I think that the notion that changing the basis of school finance or changing the basis of individual decisions about where Johnny is going to go to school, that this will somehow destroy the public schools or leave them as a school of last resort is simply wrong. There isn't a shred of evidence for it. I think it would make the schools more responsive. They would be more concerned about parents. I think you might say the principals might be slightly more neurotic as a result. They would be more concerned to maintain their clients and constituents and keep them happy. That doesn't strike me as a bad thing. I think your concern about the system flying apart ideologically and you have had much more experience with legislators than I have, but my limited experience with legislatures and reading about them suggests to me that that's probably not a major concern because legislatures, as you know, elections convince you again and again, tend to represent a fairly clearly defined and moderate segment of opinion in the United States.

And I just can't imagine the state legislature in even as exotic a state as California having any situation in which the school system flew apart ideologically. I can't imagine your colleagues tolerating it, and I think if you think about it you couldn't imagine -- I think in fact probably the problem lies in another direction. I'm not speaking now about what people do with their own money. I'm speaking of public funds spent on public institutions publicly regulated.

My third point goes to your comments about tuition vouchers subsidizing a kind of social permissiveness by in effect underwriting kids copping out. I tend to come at it from just the other way. I accept the facts that you presented, but it seems to me that if there is any fundamental reason for the alienation of young people in society, it is not the objective facts of politics in 1970. I do not believe that politics in 1970 are substantially more vicious, more corrupt or profligate than they were in 1870 or 1871. It is probably the other way around. Rather, I think, their alienation arises from the dissolution of primary and secondary social institutions like the family and intermediate associations, you know, all the things you learn about in sociology one, and the fact things are getting larger and more complex. One of the great appeals of vouchers, one of the great appeals of this approach to education is that it would enable people to create communities of limited liability around education. That is to say, it would allow people to create what the sociologists call intermediate associations, voluntary associations, that would tend, I think, to avoid that sense of alienation and enormousness.

CHAIRMAN RODDA: I don't think copouts would go to the nonpublic schools. I think possibly the copouts would stay in the public schools and copouts would continue to sit in the class which reduces the capability of the public schools to deal with the problem because they are left with an input, a pupil input, which is even less desirable from an educational point of view than it is today.

MR. COHEN: When I said copouts, I meant I was referring to relatively advantaged kids leaving the public schools and going into very exotic or even an alienated educational system. At any rate, as far as disadvantaged kids are concerned, we were unable to convince ourselves that they would suffer under the sort of regulated voucher scheme that we advocate. Now, it is conceivable they would, and that is precisely why we say that in the report on the very first page that a badly drawn scheme would be an educational disaster, and that is precisely why I'm so careful this afternoon to advocate an experiment from which everyone can learn, and only an experiment.

CHAIRMAN RODDA: Any questions?

SENATOR BRADLEY: From your study of this situation and your advocacy at least of an experimentation of the voucher system say on a school district basis or county basis or something like that, this is a practical question that comes to my mind, supposing that you have a parochial school, a typical parochial school in a community that is presently being supported entirely by tuition by families that want their children to go to it. Now, you propose to set up an experimentation in that community in which you would grant vouchers to the parents of children who are attending public schools. The question that comes to my mind is, would this cause a rush of parents whose children are in the parochial school to register them in public schools so they would be qualified to receive a voucher, and then turn around and send them back to the parochial school on the voucher basis?

MR. COHEN: No, I don't think so.

SENATOR BRADLEY: It was your concept that the state would issue vouchers to the parents of children who are presently attending a parochial school and are paying full tuition on a private basis?

MR. COHEN: Our position on that is that on the voucher scheme as we conceive it, it is best understood as a system of state support for schools that meet certain state standards. That is to say, parents would get a piece of paper that says they are entitled to X amount of dollars of education.

SENATOR BRADLEY: What parents?

MR. COHEN: Those pieces of paper would be redeemable only at schools that met the state requirements so that for parents who wanted to enroll their children in schools whose primary purpose was the teaching of religion, or if parents wanted to enroll their children in schools which were exclusive with respect to admissions and so on, schools for anyone who wanted to enroll Johnny in a school that didn't meet state standards, it wouldn't be worth a cent. So that it's the imposition of state regulations that tells you whether that voucher, that piece of paper entitled you to any education. It entitles you to education if you will enroll Johnny in a school that meets these public criteria, but if you won't, no dough.

SENATOR BRADLEY: But assuming that the parochial school X meets all the so-called standards and also your public school A is regularly functioning with state assistance, ADA and so on, but you have family number 1 whose children attend the public school and you have family number 2 whose children attend only the parochial school, how does family number 2 get a voucher?

MR. COHEN: Well, it can redeem the voucher it would get in the mail or whatever if it enrolled its children in a parochial school that met our criteria. That is to say a school which accepted all comers without respect to religion and so on and so on. I hope I'm being responsive to your question.

SENATOR BRADLEY: I don't think you get my point. As a practical point today the children in family number 2 that are going to the parochial school, that family is fully paying for the support of their education by private tuition. They are not in a public school. They are not even registered in a public school.

MR. COHEN: Right.

SENATOR BRADLEY: Now, presumably all the voucher plans that I have heard of apply only to the children of family number 1 because at the present time the children of family number 1 which are going to a public school, first of all, the state is supporting those children through its contribution on the ADA and, therefore, there's a certain given amount that is presumed to be available representing the dollar value of the voucher. But it seems to me that we have a practical problem of family number 2 whose children are not registered in public schools and are now not being supported by ADA on the part of the state. Certainly one or two things would happen. On the face of it they wouldn't get any voucher. They could continue to send their children to a private school and pay tuition, but at the same time you would suddenly have children transferring from the parochial school to the public school and getting a voucher.

MR. COHEN: Well, I think I'm answering your question. You are not just happy with my answer. What I am saying is that anyone who had a child would get a piece of paper, but only those people who enrolled their children in schools which met the state requirements. Those are the only people for whom the voucher would mean anything.

SENATOR BRADLEY: All right. What, in effect, you are saying, the result of what you are saying, is that the state would start sending vouchers to family number 2 whose children are presently exclusively enrolled in a parochial school, and if that school met the state standards for being public, if it enrolled children without respect to religion and so on, then the school could collect all those vouchers and take them to some state agency and say, please give us money. But, you see, the final conclusion of that is that here is going to be an additional expense then to the state of having to come up with cash in the amount of the value of these vouchers to family number 2 where they had never before been a burden on the state.

MR. COHEN: That depends on what the demand would be for education which is provided in schools that we would call "parochial", but which accept people without respect to religion. Our estimate is that a very very large number of parochial schools would remain outside this system. That's very important.

SENATOR BRADLEY: Supposing you had in California 500,000 school children attending parochial schools of all kinds of nature and all of these schools met the standards of the State of California qualifying those schools to educate these children. So, there's no question about qualification. Wouldn't it be a fact that the state would be in the position of having to come up with vouchers for 500,000 students that now we are not supporting at all?

MR. COHEN: Yes, but in order to produce an affirmative answer to your question, Senator, you would have to believe that the operators of those parochial schools would be willing to run them on the basis which involved accepting children without respect to religion and that strikes me as being exactly at cross purposes with the aims of parochial education. I mean, parents enroll their children in parochial schools for the purpose of religion.

SENATOR BRADLEY: All right, I will reduce it to 250,000. You are still going to come up with 250,000 pupils that the state is going to have to come up with vouchers that go to those students they didn't support before.

MR. COHEN: There's no question that to the extent that nonpublic schools meet the criteria for becoming public, that more people would be supported by the state. Your concern about dollars is not misplaced, but I would suggest only that if it would happen that way, it could happen in any one of ten or other ways.

SENATOR BRADLEY: Bringing it down to the issue before this committee, the only way it's going to happen would be if we went into this concept of experimentation with vouchers and if we don't go into the concept of experimentation with vouchers, it isn't going to happen. I mean, the state isn't now supporting them and we wouldn't support them unless we went into the concept of vouchers.

MR. COHEN: I'm sure that the California Legislature has had other bills before it designed to provide state aid for religious instruction for parochial schools. This must be true. I do not think that the experiment with vouchers would significantly, it wouldn't tip the balance. I cannot imagine it tipping the balance for state aid to religious schools.

SENATOR BRADLEY: I'm discounting the constitutional question entirely. I'm going into the dollars and cents concept of how many more dollars is the state going to put up if we went into this voucher concept.

MR. COHEN: We didn't do a serious study of that question because our study was directed solely at the question of an experiment in one district, and our conclusion on that point is that probably the majority of children in religious schools would remain in nonpublic religious schools simply because one of the primary motivations in their parents in enrolling them in those schools in the first place was religion.

SENATOR BRADLEY: Well, I've got news for you. I have a feeling that if a parent today were paying full tuition for a child going to a parochial school and he found out that all he had to do was take his children out of the parochial school long enough to register them in a public school so they would be eligible for a voucher and by designation put them back in the same parochial school and have the state pay for the voucher --

MR. COHEN: That is not what I said.

SENATOR BRADLEY: But this would be a logical conclusion.

MR. COHEN: That's not the sort of voucher scheme which we are advocating. We have been at pains to --

SENATOR BRADLEY: How would you prevent it?

MR. COHEN: By establishing clear criteria that differentiate public from nonpublic education. We do not believe that the state should support religious instruction, nor do we believe that the state should support education or schools which have exclusive admission aspects.

SENATOR BRADLEY: Is it fair to say then that on the basis of what your studies concluded that the voucher system would only apply to the parents of children who are now enrolled in a public school?

MR. COHEN: No, I think that there is a modest proportion of parents whose children are now enrolled in nonpublic schools, some of them religious and some of them not religious, but exclusive with respect to admissions, who were not seeking religious instruction nor were they seeking exclusive schools, they were seeking better education, whether better by design as to more skills or less skills, and they would be delighted to enroll their kids in schools that met the test of publicness, that is to say, they were not religious, that they were not exclusive, so that the enrollment supported by the state would increase, we think, modestly, but we do not believe it would be an avalanche.

SENATOR BRADLEY: Mr. Chairman, maybe I'm having trouble with his definition of public schools.

CHAIRMAN RODDA: As I understand, it is a broader concept.

SENATOR BRADLEY: I think it is, too. What we generally call public schools in California and I will give a very hasty definition of it, but it is a wholly state supported school.

MR. COHEN: That's right. We would accept that definition.

SENATOR BRADLEY: Like the San Jose Unified School District which operates programs K through the eighth grade, well, K through twelve.

MR. COHEN: Let me give you another example of our conception of a voucher school. Let's assume we were considering legislation which allowed the state to subcontract with community groups or universities or other nonprofit organizations to provide public education and that legislation would include the criteria those enterprises would have to follow, they would have to be open to everybody, they could not be teaching religion and so on and so forth. That would be, we think, a somewhat more rounded out way of reaching precisely the same end that we seek, that is to say, engaging a more diverse group of operators in the business of public education.

SENATOR BRADLEY: What would you call that school, a public school?

MR. COHEN: Yes, sir.

SENATOR BRADLEY: All right. You were calling that kind of school a public school that we in California would call a private school.

MR. COHEN: But I'm saying this should be state supported. What our notion of the voucher plan amounts to, Senator Bradley, is an effort to gain state support for a greater variety of public education. It is not an effort to gain state support for socially exclusive or religiously exclusive or racially exclusive private education. We think that would be bad.

SENATOR BRADLEY: I don't think this committee is thinking in terms of promoting the concept of saving the particular form of parochial school. We know that you have parochial schools, both protestant and catholic, that are in financial difficulties. So, I don't think we are thinking specifically in terms of that either. Well, we still get back to the question of even if you are going to set up the type of public school that you call public school, it seems to me you come back to the basic point that I was making, Mr. Chairman, and that is that the state is confronted with the possibility as to those families which are today sending their children to our definition of a public school and paying the tuition wholly out of their pocket, that conceivably the state is going to come into a wholly new area of expense.

MR. COHEN: That is correct, there's no question about it.

CHAIRMAN RODDA: Thank you very much. This testimony will be reproduced and be made available for public distribution and also be made available to other members of the committee who are not here today.

MR. COHEN: Thank you, Mr. Chairman.

CHAIRMAN RODDA: Now, I think we'll have a break and I would like to indicate the problems of the agenda. We have Charles Marson who must leave by four o'clock, and I would like to schedule him next and then William Jefferds, Superintendent of Alum Rock School District, after Mr. Marson. So, we will have a four or five-minute break at this time.

(Thereupon a recess was taken.)

CHAIRMAN RODDA: Charles Marson, Assistant Staff Counsel and Legislative Representative of the American Civil Liberties Union of Northern California.

MR. MARSON: Mr. Chairman and members of the committee, the issues raised by the voucher concept are so complicated and our expertise in this area so narrow that I think I'll limit myself to those things that we do know about. I want to start with the State Constitution.

I want to mention it only briefly, not because it's not important, but only because the issues that it raises are so clear. The people who wrote the State Constitution were much more hostile and much more opposed to the concept of giving public monies to private schools than were the people who wrote the first amendment. They put down, for example, in the State Constitution that the state may not appropriate any money whatsoever or pay or grant or give it to or in aid of private schools. That's Article 13, Section 24. Article 9, Section 8, speaks of the control required over any school that receives public funds. It says that the state or any of its subdivisions may not pay for the support of any parochial school or any school not under the exclusive control of the officers of the public schools. That language is very plain. I would pause to elaborate on it only to mention that last year in the Assembly, especially in the discussion of Mr. Campbell's bill, the argument was offered entirely without backing authority and we felt that these provisions that are clear on their face are not clear under the decided case law because of the decision in 1946 concerning the Porterville practice of permitting buses to be used to take parochial school children to school.

We looked into that and discovered the Porterville incident involved a case where a bus went from A to B to take kids to public school and the only involvement of the parochial school students was assuming there were empty seats they were permitted to ride from A to B. The bus didn't turn an extra wheel and the only public expenditure was the extra gas expended for the extra weight of the pupils. Obviously it is worlds away from that tiny state involvement to a system whereby private schools cash in checks on the state government. I will leave the State Constitution out but only after the mention that it very obviously requires a two-thirds vote of this body and a public ballot before we can even begin to talk about a widespread voucher plan.

CHAIRMAN RODDA: Your opinion is that if we pass simple legislation it would immediately be challenged in the court on constitutionality?

MR. MARSON: No question about it. It would not only be challenged, but I believe the Attorney General and the Legislative Counsel in the last few years have arrived at the same conclusion.

SENATOR BRADLEY: Is this the official position of the ACLU in regard to the whole voucher concept?

MR. MARSON: Yes, it is, Senator Bradley.

SENATOR BRADLEY: You are not in favor of the voucher plan?

MR. MARSON: We are opposed to it. Even if the State Constitution did not exist, we feel, although with some degree of less certainty, that the first amendment of the United States Constitution would block a voucher plan. The language that the Supreme Court has used to describe what is and what is not permissible in financing private schools or at least giving them money or having the government involved with them, is to an optimist a little difficult and to a pessimist totally obscure, but the court itself has described it as the serpentine wall between church and state. The language speaks of purpose and primary effect.

The latest case involving a tax exemption for religious schools, religious property rather, speaks of excessive government entanglement. There's not much meaning to be breathed into those phrases except in a specific case, but when you look to the specific cases, you cannot avoid the conclusion, we feel, that the first amendment would not permit a voucher plan in California and that even apart from the State Constitution a federal court would strike it down.

The federal courts have in the past upheld schemes for the bussing of parochial school students and very recently in the Allen case they upheld a program whereby New York supplied free textbooks to parochial school students. They approved, as I mentioned, the tax exemption. Lower federal courts have also approved such schemes as mortgage financing for parochial schools, but all these activities are relatively peripheral, and all the decisions under them rely very heavily on that peripheral characteristic.

The federal courts within the last year have struck down two schemes much closer to voucher plans. For example, in Connecticut there was a statute which permitted the purchasing of a package of secular education from a parochial school and permitted the state to pay money to parochial schools so that the money would be used only for the secular education that it provided, and it required controls on the state and investigation as to whether the education was actually secular, and notwithstanding that a three-judge federal court struck it down.

There was another one recently in Rhode Island where state statute permitted the payment of salaries of teachers in parochial schools so long as they (a) taught only secular subjects, and (b) took an oath not to teach any religion in the course of teaching those secular subjects. Once again, a three-judge federal court struck that down as a violation of the establishment clause of the first amendment. So, even if the State Constitution didn't exist, the first amendment, we feel, would block the voucher plan.

Let me digress as long as we are talking about the first amendment for a second and see if I can answer at least partially a question Senator Bradley raised earlier and that was about the possible proliferation of ideologically oriented schools if state financing were available. We think the answer to that is definitely yes, it is a strong possibility. It is not hard to envision as a financial matter that there are a lot of people who have ideologies that they would like to incorporate in an educational environment that can't afford it on their own, but with substantial state assistance could do so.

I also want to point out that according to the normal constitutional rules, if the State of California starts subsidizing private schools that teach both private ideology and so-called secular subjects, the courts are not going to permit it to distinguish between those two schools that it supports on the grounds of whether or not it likes the ideology they teach. So, if you underwrite ideology you will have to underwrite it all and I think that was Senator Bradley's concern.

SENATOR BRADLEY: Mr. Chairman, I think I might point out that these are points that I had in the back of my mind. It's interesting to me that ACLU would be interested in picking them up, which would indicate to some degree that we may have an area of agreement which hasn't existed very often.

MR. MARSON: It has taken us a few years to find it, I recognize that, Senator.

CHAIRMAN RODDA: Well, I've seen the liberals and the conservatives get into that bed ideologically in the past.

SENATOR BRADLEY: Let's not carry it that far.

CHAIRMAN RODDA: You notice I said ideologically. We've been on the same ideological platform, let's put it that way.

MR. MARSON: A lot of the arguments that underlie whether a state can finance private education at all relies on a distinction that's both in SB 1204 of last year and AB 2471, and is a distinction that is probably essential to every voucher plan and indeed to every plan for giving money of any sort to private schools, and that is that everybody assumes that the money will go only for the secular activities of those private schools and not for its openly religious activities. There are various formulae for setting that forth. One can say, for example, that the money shall not be used for religious instruction. The more common and the more all embracing formula is that only secular courses or only secular education can be taught. It's our view that differentiating in the parochial school atmosphere between secular subjects and parochial subjects is difficult, if not impossible, just as a conceptual matter. What that is, how to define that almost defies human talent.

SENATOR BRADLEY: Mr. Chairman, on that point, suppose that the voucher plan, however, went just the opposite, absolutely no attempt to limit the use of funds for ideological versus secular, or as a matter of fact, laid down no standards as to the educational qualifications of the private school that the money could be spent for or used for, but was strictly a grant to every family of X dollars for every child of school age in that family, and the grant on its face simply said that this is worth so many dollars for the education of your child and there would have to be one qualification and that is that it would be spent for education and not be classed for any other purpose, what would be the position of ACLU on a situation like that, the assumption being that it's a grant to the family for the education of the children and no concept as to whether it is going to be used for the education of that child in a secular so-called public school or in say a parochial, protestant or catholic school.

MR. MARSON: Our opposition would not change.

SENATOR BRADLEY: No, your opposition would not change, but what is the basis of your legalistic review, whether or not this would be constitutional or unconstitutional if the grant was made purely to the family?

MR. MARSON: Well, the basis is that the money ends up in a private school and under your system a monastery could cash a voucher as long as it came from the family and not from the state, and because the money would eventually end up there it would be money that goes from the state to the private school and the fact you used the family as a middleman I do not think alters the constitutional dimension of the problem. It's pure fiction to say that the money goes to the child, not to the school, when you say the school gets to cash it in once the child brings it to the door. It's a fiction invented largely to take advantage of the child benefit theory that started out in the Porterville bussing case. It's a fiction and the court no doubt would see through it. You are asking the court to disregard who gets the money eventually and to look only at who gets the check in the first instance. I'm certain that our position would be the same.

I had mentioned the distinction between secular and nonsecular activity, both because the two leading bills contained the distinction, and I think any plan that has any hopes of getting anywhere in the courts will contain such a distinction. We feel the distinction is unworkable because nobody can say with any certainty, or at least not with the huge administrative bureauacracy to figure it out, what is secular and what is not. There is in New York a textbook law that was upheld by the U. S. Supreme Court in the Allen case which permits local school boards to approve textbooks that get loaned to parochial students, but the textbooks themselves must be secular as opposed to sectarian textbooks. The Yale Law Review sent out a questionaire to most of the schools in upper New York to find out how they would react to particular questions as to whether something was or was not sectarian and they came back with the result that the school boards were spread all over the map trying to figure out what it was. Just a couple of the endless lists of sample questions, "Does the inclusion of such stories as

'21 Saints, Spio Goes to the Vatican, and Crusaders for God' render an eighth grade reader sectarian?" Fourteen boards said yes, 15 said maybe, and 14 said no.

"Does the representation of the crusaders as warriors in the nobel cause against barbarians render world history textbooks sectarian?" Two said yes, 10 said maybe, 34 said no.

A number of examples like that point to the difficulty even of the administrators who read the books trying to figure out whether they are sectarian or not, and it is a lot easier to do on the printed page than it is on any understanding a local school board may have of what happens orally in a classroom.

It is one thing to say a secular textbook per se is secular. It's quite another to say that because it is secular it will be used in a secular way in a classroom. Obviously an economic professor can use a book by Carl Marx in an economics class in Russia and in the United States for entirely different purposes.

Whether or not education is secular in a subject matter is something that doesn't depend entirely on the nature of the textbook. It depends on what the teacher says.

We feel in addition that the assumption that most of these voucher plans rest on, that there is such a thing as secular education in a parochial school, is a highly questionable assumption. We do not think that the teaching of something even as neutral as mathematics in a parochial school, or at least a parochial school that is rightfully trying to do what it is there for, is the same as it is in the public school.

We do not think that any subject is incapable of being taught in a parochial way and this is no reflection on parochial schools because that's what they are there for, and if those religions that tend to establish parochial schools tend to say in their educational doctrine that their religious education is not by any means confined to the teaching of the tenants of their faith, but pervades every single subject to and including mathematics, geometry, physics and the like, if that is the case, and we think it is, and by the way, for the committee's future reference, we would like to refer to the Harvard Educational Review which contains a lengthy study of religious schools on secular subjects demonstrating by a myriad of examples how geography and mathematics can be taught in a religious way to demonstrate that the assumption underlying the voucher plans, that there is some secular activity of a parochial school over here and some religious activity over here, is an assumption that is at the very least open to question.

CHAIRMAN RODDA: May I ask a question?

MR. MARSON: It is your committee.

CHAIRMAN RODDA: But you are our guest. Assume that we excluded the voucher plan from any consideration of a school which was operated by an organization and, therefore, the voucher plan was used exclusively to support schools which in the judicial sense today, the conventional sense today are regarded as private by virtue of the new definition of public which is what Dr. Cohen was really doing, would qualify for participation in the voucher system -- do you understand my question?

MR. MARSON: Yes.

CHAIRMAN RODDA: What would be the position of your organization in view of the fact that we have abstracted from any considerations of religious instruction, we are talking now about secular education --

MR. MARSON: Our position obviously would change as to the problem of church and state. There are other constitutional problems with the proposal that had nothing to do with religion. For example, the State Constitution, as opposed to the federal, speaks of the problem of control of any school, any state money that goes to any school must go to a school under the control of the public school authorities, and that is true whether it's a religious academy or military academy. The other problem is the possibilities of discrimination both in economics and race, which is something I want to mention in a minute, which also does not vary with whether religion is present or absent.

CHAIRMAN RODDA: I did want to see if I could have some clarification. Will you proceed. I know you have a time schedule.

MR. MARSON: Whether or not you buy the idea that the division of the curriculum and the expenses of a parochial school can be made at all in terms of secular and parochial, it's clear that it is a difficult one and that if it is going to be made in any way to control the use of state funds, it's going to have to be made by very large, very aggressive bureauacracy, and that gets you into what is very easily described as a dilemma of control. If, on the one hand, you let vouchers be redeemed by private schools with only a cursory glance and what they do with it, you are in very real danger that either because of a different, although sincere definition of secular and parochial they will spend it for subjects the state feels improper or just because of the lack of money they will spend it openly for parochial subjects. On the other hand, if you intrude, as the Constitution says you must, into the management of the schools to which you give money, you set up a system of controls that may be acceptable to private schools only because of their terrible financial bind, and the more controls you put in, the fewer schools are going to go along with it at all, and that is a question that is almost unacceptable however you cut it.

Now, let me leave the problem of church and state and go to the problem of economic and racial discrimination.

I only want to mention economic discrimination to put it aside because it is not our field, not our expertise, to design some formula to give equal financial opportunities to go to private schools. I only want to note that it would be very hard. Obviously it is both simplistic and insufficient to give persons X dollars or to give them enough to meet tuition wherever they get accepted. The obvious facts that private schools are sufficient quality and quantity to accept the applicants especially from areas with miserable public schools, tend to be located outside of those areas makes it a special economic burden on poor students and poor families to send their kids to private schools. Any scheme that assumes any substantial part of private school tuition will come from the family is open to the criticism that it denies equal protection of the law by making the private school more available to the middle class and the wealthy than to the poor.

Let me turn to race though because that's always been one of our primary concerns, and say that we feel that the present proposals for voucher plans are nowhere nearly adequate to insure that private schools will not foster and perpetuate racial discrimination. We are not sure whether such a plan ever could be made adequate, but if it could, it would have to have some certain minimal requirements that are not present in the plans as we know them now. There are all sorts of ways in which a voucher plan could foster or perpetuate segregation. One of them, and the one most popular currently in the south is by outright discrimination where schools just won't let undesirable minorities in. Now, I think it is safe to assume that any proposal that leaves this body will contain language to the effect that that is absolutely not permissible. Nobody questions that, but it has been our central experience and almost everybody's central experience from Brown vs. Board of Education and from the 1964 Civil Rights Act and the Fair Employment Practices Commission and EEOC and every other place where day-by-day, person-by-person discrimination has been forbidden, that statutory formulae don't mean a thing unless they are backed up with large aggressive expensive enforcement organizations, and unless this plan, like others, embodies not only a statutory formula for integration, but some mechanism with money, manpower and teeth to back it up, it isn't going to work.

Another form of discrimination could be done simply by having private schools cash in these vouchers, raise or maintain currently academic standards. We all know it's an ironic twist of the current state of education that minorities have in the past been unlawfully deprived of adequate education tend to do poorly on the source of tests that say whether or not you can get into a particular school.

So, that it's likely that minorities with already deficient education will contine to get it because the private schools that cash in the vouchers will simply set academic standards high enough to skim off the middle and upper classes who have already an adequate preschool education. This is a problem that's largely faced now with the open slotted admission controversy, but since private schools are free to maintain those same kinds of standards, either they would have to accept some regulation from this body as to how these standards would work or they would have to be let alone. None of those choices is a particularly attractive one, but it is a consideration that the committee has got to face sometime or another if it is going to approve a voucher plan.

The third kind of discrimination and the hardest one to know what to do about, of course, is the fact of segregation. This is a problem this committee has faced without notable success, and this is not a criticism of the committee, but it is a problem that pervades the voucher plan as well as everything else. It would be blinding ourselves to reality not to recognize that private schools of quality and of quantity are not located in ghettos. Far from it, and physically far from it and unless this committee is willing to face the same terrible problems with the private schools, do we bus, do we let de facto segregation proliferate, do we let it govern the racial make-up of the private schools cashing vouchers as well as the public? Unless the committee is willing to face those problems in the private school as well as the public school context, it will not get very far with the 14th amendment in the voucher plans.

As I said, there's no way for us to tell whether some statutory scheme could not be devised to solve these potential problems of racial discrimination, but whatever that scheme might be, it would be horrendously complicated, very difficult, and would disclose issues that this committee has in the past struggled with, not always with succes, but unless the committee is willing to struggle with them again, the voucher plan simply is not going to be squared with the equality requirements of the 14th amendment.

That's all I have, Mr. Chairman. Thank you very much.

CHAIRMAN RODDA: One question, and in a sense I have covered this already, but do you think that the implementation of the voucher plan could be done in such a way that it would avoid the issue of church and state by virtue of the distinction it would make between secular education and religious education?

MR. MARSON: Only if it permitted the cashing of vouchers only by entirely secular schools. If it eliminated parochial schools entirely from the scope of its plan, then it would have no church-state problems. It might have others, but it would have no church-state problems. We do not foresee any workable way of ducking the church-state issue by giving vouchers to parochial schools on the theory that what you are buying from them is secular. We do not think that can constitutionally be done. The only way you could do it is to eliminate religiously affiliated schools entirely and that would almost end the feasibility of the plan.

CHAIRMAN RODDA: The pressures on the parochial schools are so great, the financial pressures, that it would appear to me from what I have been able to read that in many instances they would resist legislation which was so sharp in its delineation between secular and religious instruction in order to achieve at least a partial participation or participation in the programs insofar as they engaged in secular education, which I think would establish very strong and powerful political pressures which probably could only be resolved in court.

MR. MARSON: I expect that would be the case. It would totally change the political context in which the voucher plan is argued and probably defeat it entirely.

SENATOR BRADLEY: How does ACLU justify the granting of state scholarships to students who use those scholarships for furthering their higher education, and for instance, student A goes to Stanford and student B goes to the University of Santa Clara?

MR. MARSON: My honest answer to your question is it is not totally justifiable, and if we were true to our doctrine, or we had been true to our doctrine at the time those issues were first raised many years ago, we would have taken the same stand that I am urging now. Obviously there are differences in kind and degree.

SENATOR BRADLEY: Do you mean to say that ACLU has a statute of limitations on issues?

MR. MARSON: No, but we have a terrible problem of priorities and I'm not at this late date anxious to go to court to chase after the GI Bill. Perhaps at one point we should have and perhaps with more manpower we could. It's not an issue that anybody suggests. There are obvious differences, of course, between higher and lower education and between Stanford and a monastery. These are differences only in quality though and I think your point is correct.

SENATOR BRADLEY: You did say, if I remember correctly, that if you had say a secondary high school in Santa Clara County that was comparable to, oh, like Stanford University, private school, and I don't think anybody can call Stanford parochial, but if that was the concept, ACLU's position on vouchers would possibly be different from the point of view of separation of church and state?

MR. MARSON: Yes. Of course, there are a host of other constitutional problems. Another one I did not mention, and I might, is that if the money that supports schools that are now private, religious or otherwise, starts to come from a state then the Bill of Rights at a certain degree is going to start to affect it. As you probably know, the due process guarantee of the Constitution affects the way that students can be treated in public schools but not private ones, and as soon as you start taking over the substantial balance of the financing of private schools, religious or otherwise, that may change. In fact, there's one decision back east from a federal court about a year ago in the case of a nominally private nonreligious university that got more than 80 per cent of its funds from the federal government that insofar as suspensions and expulsions from that university went, the Bill of Rights applied. It was state action. It was within the meaning of the 14th amendment, so there are all sorts of those problems and they raise collateral problems as to whether public schools would end up being the schools of last resort, not only because they would be the only place where some people could go, but they would be the place where all the disciplinary problems ended up because the private schools would get rid of them. All those sorts of problems would still remain within the scope of our interest after we put aside the problem of church and state.

CHAIRMAN RODDA: Thank you very much. I hope you make your plane.

MR. MARSON: Thank you.

CHAIRMAN RODDA: Now, William Jefferds, is he here, Superintendent of Alum Rock School District.

SENATOR BRADLEY: I would like to point out the Alum Rock Union School District is in Santa Clara County. Unless it goes up to and beyond Alum Rock Park, I doubt -- maybe you do get into my district up there.

MR. JEFFERDS: We go to the top of Mt. Hamilton. We have a one-room school on Mt. Hamilton.

SENATOR BRADLEY: Well then, part of his district is in the 14th Senatorial District.

MR. JEFFERDS: Sorry to hear this, now you've lost your objectivity.

CHAIRMAN RODDA: He is now representing a constituency.

MR. JEFFERDS: And we get an automatic vote, is that correct?

CHAIRMAN RODDA: Right.

MR. JEFFERDS: The Alum Rock School District has requested funds to conduct a feasibility study around the voucher system. It's requested this funding from the Office of Economic Opportunity, and although their title application is on a scholarship act rather than the voucher because some of the misconceptions around the voucher system was instituted in some of the southern states that were set up for segregated school systems, so we called ours a scholarship act. The title is similar to the legislation that was introduced last year by Assemblyman Campbell, Assembly Bill 2471. A copy is in the blue packet we distributed to you of that bill. That bill, by the way, is co-authored by several members of the Assembly Education Committee.

The Board of Trustees and members of the staff last summer spent a great deal of time studying the scholarship program as outlined by the Center for Study of Public Policy. You received a copy of this, I think, from Dr. Cohen.

Briefly the board administration of the district are interested in determining whether (1) parents want the opportunity to choose their child's school; (2) whether there would be greater involvement on the part or commitment on the part of the parents and students to these selected schools; whether parents from the economically disadvantaged community would select schools outside of their area, or whether the reverse of this would be true; and whether schools would develop more individualized programs to serve their clientele; whether surrounding districts would be willing to participate in such a proposed system; and whether private schools would be willing to participate in the program with the regulations that would be required of them in the open admissions policy; and finally, whether the attitudes of the parents, the teachers and the community would generally support such a field test.

We know of five school districts in the United States that have submitted planning grant applications to the Office of Economic Opportunity. Those are listed, San Diego, Seattle, Gary, Indiana; Minnesota and Alum Rock School District. Our understanding is that maybe San Francisco is also going to submit such a request.

The feasibility study is a two-month program where the district would really survey its community to determine whether such a program would be successful in the school system. After the feasibility study the district can then determine whether it wants to proceed and actually make application for a planning grant of some $200,000 that would set them up for the field test.

The field test would be funded from the Office of Economic Opportunity for about $5 million a year and they are requesting the study run from five to eight years. The primary part of the money would be to fund vouchers for the nonpublic school students at the present time, also, to do evaluation, to give bonus vouchers to the education of disadvantaged children, to provide additional transportation so that all schools are available, to give some parent counsel to those families so they can make wise choices.

The details of the model are available in the publications that were sent to the committee, and I would like to review just the five criteria that are prescribed by OEO for any school to participate in this field test.

> No school could discriminate against pupils or teachers on account of race or economic status, and all schools must demonstrate that the proportion of

minority pupils that apply to that school are as large as the proportion of the mix. The school must be open to all applicants and where a school has more applicants than spaces available, must have a system that assures a fair distribution of students, and that there is a random selection basis. Any school participating must accept the voucher or the scholarship as a full payment for the student's tuition. They cannot require additional cost. No school may use the scholarship money to support religious instruction.

The parochial schools may be allowed to participate if they keep separate and adequate accounts of religious activities. They must comply with all other rules including that of open enrollment. All schools must make information available to parents concerning the school's basic philosophy of education, number of teachers, teacher qualification, facilities, financial position, and pupil progress. In short, the school must provide sufficient information to have parents make a wise decision when they select a school. Additional criteria may be established by the local educational scholarship authority. This is similar to a local Board of Trustees which would administer the program and verify that the school actually did qualify as an ESA school.

They would have the authority to make additional requirements that were felt necessary, and one of the tasks to be accomplished during this feasibility study is to write the rules and regulations of that particular authority.

There are many unanswered questions, many of which we hope to answer during this feasibility study, and many which will remain unanswered until the field test is completed.

The larger question is, are we willing to seek ways to improve our educational system, and are we able to test these ideas in the climate that invites objective evaluations of the proposed system and the present system.

You have a copy of our application which outlines the overview, the educational scholarship authority, the members that make up that planning board, also, the budget requested in both the feasibility study and in the field test itself.

CHAIRMAN RODDA: Do you have any questions?

SENATOR BRADLEY: Yes, I would like to ask if any thought was given to the concept of what would be the situation, let's say, that this is set up and what would then, in my opinion at least follow, and that is that as to at least the students of a parochial school located within Alum Rock School District, that the parents would then immediately withdraw their children from the parochial school, at least some of them I'm sure would, and enroll them in the

Alum Rock School District for the purpose of qualifying their children for a scholarship.

MR. JEFFERDS: They could qualify for a scholarship without enrolling them in the public school as long as that school where they were going to attend met the requirements of the OEO, Senator Bradley, say the parochial school met these requirements.

SENATOR BRADLEY: Oh, you go right straight to the point of saying that a school child is a school child, and if you are going to give it to the children of Alum Rock School District, that you would also give it to the parents of the children who are attending a parochial school within the Alum Rock School District?

MR. JEFFERDS: That is correct, but in order for that parochial school to cash its voucher, it would have to meet these requirements. Now, those students attending that, the underwriting from OEO would pay for all nonpublic students at the present time. They have in the budget, you will see in the application, some $1,700,000, and they are to pay for the tuition or the voucher or scholarship grant to all parochial and private students. We estimate that at the present time we have a little over 16,000 public school students in Alum Rock and we have about 1,000 parochial and private students.

SENATOR BRADLEY: So that as long as the parochial school, for example, kept a separate accounting, I guess that's the way you put it in here, of their item number 4 on page 2 of your summary, "No school may use scholarship money to support religious instruction. Parochial schools may be allowed to participate providing they keep separate and adequate accounts for religious activities. They must also comply with all of the rules including a requirement of open enrollment."

MR. JEFFERDS: That's right.

SENATOR BRADLEY: If this was a state-supported scholarship plan, then you would agree that on a state-wide basis this would represent a considerable new cash outlay on the part of the State of California.

MR. JEFFERDS: Yes, it would. I think this is one of the things that the field test should prove, how many students or how many schools actually want to participate in such a program. I don't believe the board or the administration is really an advocate of the voucher system, but it is an advocate that this experiment should take place some place and that some of the ideas should be tested so we can make better determination of some of the things that the voucher system raises in a climate that can be objective and evaluated.

SENATOR BRADLEY: Well, was there any consideration given in the study made in the district as to whether or not there might be a legal test made as to the possible differentiation between a so-called voucher and a so-called scholarship?

MR. JEFFERDS: Yes. Again, the OEO funding would have funding available to protect the school district from legal suit and would enter into -- the county counsel has been involved with us in the drawing of the initial papers and documentation that we forwarded to OEO.

CHAIRMAN RODDA: Any futher questions? I noticed in reading the bill this morning when I indicated that I thought that the legislation waived tha input requirements for private schools only, that it includes the public school as well.

MR. JEFFERDS: All schools participating.

CHAIRMAN RODDA: Which means your district, your school then could proceed to disregard salary schedules, tenure, class size, and you would be in a sense in a competitive position.

MR. JEFFERDS: That's correct.

CHAIRMAN RODDA: So, if the pilot program or feasibility program, experimental program succeeds based on whatever criteria of measurement you develop, then it might be concluded from that or as a consequence of that, that we ought to remove all input controls from the public schools?

MR. JEFFERDS: Or you might be able to evaluate which input controls you should eliminate.

CHAIRMAN RODDA: Because you might maintain some and exclude others, you see.

SENATOR BRADLEY: On that point, Mr. Chairman, it is interesting in a way that Alum Rock Union High School District would be willing to come forward and offer itself as a district on a limited experimentation basis, and would there be a factor in your willingness to do this that there be a relaxation of some of the state requirements within the district for purely experimental purposes?

MR. JEFFERDS: That's correct. We would want similar legislation as was introduced last year. In fact, before we could go into the field test part of it, that legislation would have to be passed. The thing we are in now, and we have substantial understanding it will be funded for the feasibility part of it for a two-month study in our district, but before we could proceed into the planning stage or the actual field test, we would need legislation similar to Assembly Bill 2471.

SENATOR BRADLEY: I might point out for the record, Mr. Chairman, that I am somewhat familiar with this district and it is an interesting district. It has a very broad cross section of economic representation by family. They have some of the highest incomes in the district say around the San Jose country club area, and you have some of the lowest income factors. You have a very broad section of church representation in the district. You would have very little industrial representation in the district. I don't think you would come down into -- Milpitas is out now --

MR. JEFFERDS: We have no industrial representation.

SENATOR BRADLEY: So, it would be a very interesting concept of a district representation.

MR. JEFFERDS: Right. The social-economic range is there, also the ethnic range is there for all groups, and I think this is one of the reasons why the district was interested in testing and why OEO was interested in the district from the standpoint we do represent a variety of input data for them.

CHAIRMAN RODDA: It seems to me that you might have some problems with implementation of this proposal in the light of some of the remarks made by the previous witness, Charles Marson, because as I read the bill, and as I recall from previous reading, no school may receive the money under the voucher plan if it is religiously controlled, except that it complies with the requirements of Section 31182(b) which simply says the scholarship fund shall be expended exclusively for the secular education of students, and as he indicated, it may prove very difficult for example in a Lutheran school, and I picked a Lutheran school because it was a Lutheran minister who testified in support of the parochiaid legislation, SB 1204, which was before the committee at the last session, as well as those who supported the concept who reflected the Catholic point of view, so we've got Catholic and nonCatholic, and we know the

Lutherans are pretty basically fundamentalists, as are the Catholics, and it might be difficult in that context to separate out that education which was totally secular and not religious, or permeated with a religious color.

MR. JEFFERDS: Yes, we do have in the feasibility study also employed an accounting firm which is taking a look at a county model that may be able to do this in both the public schools and private or parochial schools to see what kind of data they would need to separate this and what kind of control. We are also contracting a lot of this out to the Center for Planning and Evaluation, an outside agency, to also take a look at the rules and regulations that would be required under such a system.

CHAIRMAN RODDA: I can recall reading an article in which it was pointed out that if you carried this concept, which I believe is called the divisibility of public education, to an extreme, and that may be the wrong terminology, you might end up with use of public funds to support a school operated by a religious organization with the funds allegedly used exclusively for secular education, but with an effort made to avoid the permeation of the subject matter with instruction which was religiously oriented to such an extent that you might have public funds supporting a religiously owned and controlled school in which religious instruction was on a free time basis.

Do you follow me?

MR. JEFFERDS: Yes, I do.

CHAIRMAN RODDA: Release time education in religion carried on in a school operated by the religious organization in which the basic subject matter was at least in theory, if not in practice, totally secular.

MR. JEFFERDS: Yes, that's a distinct possibility.

CHAIRMAN RODDA: It would be kind of an interesting development. Thank you very much. We appreciate this material.

The next witness would be Mr. Colvin, Jewish Community Relations Council of San Francisco.

MR. COLVIN: Thank you very much. My name is Reynold Colvin, and rather than just representing the Jewish Federation of San Francisco, I might say that I am here today representing the Jewish Welfare Federations of California, at least of the seven largest cities in the south, San Diego, Los Angeles, Long Beach, and in the north, San Francisco, Oakland, Sacramento and San Jose. In addition, I am also authorized to represent the Board of Rabbis of Northern California, and the Board of Rabbis of Southern California, as well as the National Jewish Organizations, including such groups as the American-Jewish Committee, the American-Jewish Congress, the Anti-defamation League of B'Nai Brith, and the National Council of Jewish Women. I might also say that in addition to such representation of these specific groups, that my own background is the following: I practice law in San Francisco. I spent six years on the Board of Education of San Francisco ending about a year ago, and during that time was privileged to serve as its President. So, in addition to having a feel for the views of the vast majority of the Jewish community which I represent here, I also have some specific experience in the educational problems of the large city.

Now, I might say that after a great deal of discussion by all of these groups whom I do represent, that there is a combined feeling that there are seriously negative aspects of the voucher plan which the committee should consider.

We vigorously oppose such a plan based on the following concerns:

First, as we all know, the public school system is fighting for its life. In its history it has had several crises in which it has had to adjust rapidly to meet new social and educational needs that it wasn't meeting at the time, for example, the creation of the common high school.

There are today social and educational needs which we agree that the public schools do not meet, and that need adjustment, but we believe that this ought not lead us to engage in the abandonment of the public school system which would inevitably result if we start to shift tax money support to private schools. The consequences of such a shift are not entirely predictable, but to the extent that we can predict them, they seem grim.

Despite the claims of the proponents of the voucher system, the chances are good that in the real world, the world we all live in, not the theoretical world, not the world in which there is an isolated experiment or new kind of school, but in the real world there will be the development of new and elite private school systems or systems that will compound our present problems on that score. And I particularly refer to the common situation of people who are unable to pay the difference between the amount of the voucher and whatever tuition there is in a particular private school system having an advantage over those who cannot pay the difference. The fact of the matter is, and I will only digress for a minute, the fact of the matter is that it is very common that the average cost spent on pupils for education in a school system today is what, perhaps $850 in direct cost. As I read ACA 9, Mr. Ryan's bill, we begin to talk really about allocating the portion that formerly represented ADA money to the voucher. Now, where is the rest of the money going to come from? Is it going to come from the local system to the extent it had previously spent the other $700, let us say, or is it going to come from the parent? If it does not come from the local district, certainly the state is not going to make it up. The state is not going to take over the additional $700 of money. If it comes from the local system, then we have a very interesting situation because the local systems which are now virtually bankrupt in every large urban center, will have to take over not only the people who are presently enrolled in the public system but also the make-up amount, as I will call it here for the sake of ready shorthand, the make-up amount between whatever the ADA is and the equalization is, whatever money comes from the state and goes into the private system, not only as to the students who were formerly enrolled in the public system, but as to all students, those, as Senator Bradley has pointed out, who are presently enrolled, for example, in the parochial system.

Now, we all agree on change, but I think there are some very dangerous implications to this change, and I would comment on that further but I know your time is brief.

A second point, and I think it is an inescapable point, and we may as well face it frankly in these matters, is that if we are really talking about anything again in the real world here, if we are really talking about anything when we talk about the voucher system, we are talking about aid to religious schools or parochial schools or denominational schools. Now, my reference to this certainly does not qualify me as being against any one denomination. The fact of the matter is that there are Jewish day schools, we don't call them parochial schools for obvious reasons. There are Jewish day schools, as you may know, in the larger cities and even in San Francisco and Los Angeles. We believe the responsibility for financing these schools is within the religious community. We believe this without being antagonistic to the right of people to conduct parochial schools, but we say as forcefully as we can that once there is this breakdown, once the state through a voucher system or the local district by furnishing this make-up money that I talked about, begins to support any one of the denominational systems, then the traditional separation that we have been talking about begins to go.

And I can't help but think that we get into not only a support of the religious institutions, but through it a kind of divisiveness that we would greatly regret seeing in American life. We think that no great value is served by separating people to any large extent into the various races which might congregate in one school or religion in another school.

Now, I know, just as you know as Legislators, and I know as a person who has worked with these problems, that it is possible, entirely possible at the outset to have broad language in any one of these bills relating to discrimination, but it is not discrimination. It's not the bar against discrimination that is the fact, the fact is that the tendency in any private school, and show any one of them to me, is to congregate people around a certain aura of religion or wealth or whatever it may be, and this is a very great concern to us.

I might say to you that the Jewish people in this country have had a long love affair with the public school system and the reason is very plain. The reason is that this population which was so predominantly an immigrant population of a few years ago found its way into American life through the great mixture of people within the public school system. Here is the place where there was a common meeting ground, and when we look at any device, the voucher system or any other device which seems to us to promote a separation, a factionalism, a divisiveness, in the raising of our kids, our alarms go off. I say that very frankly to you. I say it in no spirit of antagonism toward any group but I feel that if I can do anything in the brief period of time that I have, that I ought to say to you that we have still a regard and a sense of the great accomplishment of the public school system and we are fearful frankly of the results of any system, which, in our opinion, seems to threaten that system.

CHAIRMAN RODDA: Thank you. Any questions? I would gather that, to use a term that John Coons used this morning, you are afraid if we move in this direction the public schools as we now know them may very likely become schools of last resort?

MR. COLVIN: I heard them referred to as schools of last resort. I referred to them in another way in the earlier discussions that I have had with other people about this. I have referred to the public school system as becoming a residuary school system, that what would happen here would be that the public school system would be a system for those people who did not find their way out of the public school system into a particular sectarian school or particular socially oriented school and that really you would have a residue of people within a public school system, and of course, you know, I have had some experience in operating schools and I don't claim to be an expert because I was always just a layman on the board, but I think what is really true about this thing is that a school system, let's take the one that I am most familiar with, a school system which has a large exodus of perhaps its best pupils, perhaps its wealthiest pupils, however you want to characterize them, and becomes a residuary school system no longer has the vitality to lift itself or its pupils because if there is every place where the name is the game, it happens to be in the education business. And I will tell you that if you will give a public school system or a particular school the name as an inferior school, and that's what you mean when anybody will get out of it who can, when you give that school the name of an inferior school or give that system the name of an inferior system, then that's just what it does become. It becomes an inferior school or an inferior system simply because the people who have the greatest promise for education shun it.

CHAIRMAN RODDA: On the basis of your experience in public education would you think that the extension of the voucher system to, or the inclusion within the voucher system of the secondary school level would result in private schools which were the beneficiaries of the voucher system developing meaningful programs of vocational education, or do you think they would continue to concentrate, as I think they do now, primarily on the academic --

MR. COLVIN: I would like to say two things about that. I feel quite convinced that for a number of reasons you would not find vocational education springing out of a voucher system. I think the opposite, the contrary would probably be true, but I want to make a broader statement than that, if I may, Senator, just because I think it ties in with a lot that we are talking about here. Having been involved in the field of education in the kind of amateur way that I was for those years, but deeply involved, I have reached the conclusion that 90 per cent of what is said about education is just pure bunk, and my own conclusion about many of these things is that the public school system is taking the blame in a rather unfortunate way.

What I am really trying to say is that the essential correlation between school achievement of the pupil and anything else, the real correlation is not between school achievement and integration, not between school achievement and class size, not between school achievement and phonetic pronounciation, the real achievement, the real correlation for achievement is between school achievement really and the social and economic educational level of the family. And this is the one which nobody likes to talk about, but remains true and constant in almost all of these studies and I might add that that's not a racist statement either, that that holds true within the black community, or the Spanish-speaking community or any other community. This is the essential correlation, and what happens is that we look at the public school system and we have great pockets of disadvantaged people.

Now, the fact we tend, we are impatient properly, and we tend to blame the public school system for it. The fact of the matter is that the public school system so far as I know never any place in any part of the United States at any time has created conditions of social disadvantage, and the real problem that we become engaged in is that the only way in which we are going to make some significant changes here is to go to the root of the problem and look at these disadvantaged communities and what happens is that because the schools are in the process of having these kids and teaching them and struggling with these problems, we open the door to every form of possible gimmickry, which is the magic way of teaching the kids or this method or that method or whatever it may be when really, and we blame our public school system, I think, for a great deal that really does not lie at their door, and I don't think honestly speaking that the voucher system provides any cure whatever.

I think what it does is to open the door for a large number of people to leave the public school system and I think unfortunately that in most cases these will be precisely the people that we don't want to leave the public school system, and I think that we are heading, if we follow this course extended to its logical conclusion, to what I referred to as a residuary system and what somebody else has referred to as the school of last resort or whatever the word was.

SENATOR BRADLEY: Mr. Chairman, may I ask this question? If you honestly feel that a large number of people would take their children out of the public schools, doesn't this on the other hand imply that there may be a substantial amount of public dissatisfaction with the public schools?

MR. COLVIN: Senator, I have no question in my own mind but what there is a large amount of public dissatisfaction with the public school system. I am only trying to make the point, and it is a little bit away from the representation, I am only trying to make the point that I feel that a great deal of it has not been entirely thought through, but I agree with you and that's exactly what I am saying.

I don't think, however, that the judgment is really correct and I think that the result of a large scale exodus from the public school system would be catastrophic not so much to the people who leave, but to the people who don't leave.

CHAIRMAN RODDA: Senator Bradley, I might state a statistic that is interesting. If you look at the enrollment in the parochial schools, the rate of increase is very slight. As a matter of fact, there is a decline in the enrollment in parochial schools. There are many reasons I suppose, but one reason is that the cost of operation is such that the people feel, the Catholics feel they can no longer support them. But a second reason is that because of the withdrawal of the members of the teaching orders from the schools, the Catholic schools seem to be becoming more secular in their instruction orientation and I read in some of the literature and I do read Catholic literature, my wife is a Catholic, that Catholic parents are making the decision in favor of the public schools because they are making the comparison between public secular schools and parochial secular schools, and so there is a decline in interest. I think this is a little piece of information which is meaningful.

Now, I think if you were to use the voucher system , then you would totally alter that kind of situation.

MR. COLVIN: Well, I think, of course, I'm no expert on the parochial system, I have read some things about it. I know, for example, that it is in great financial trouble. I won't characterize it beyond that, and I'm advised, for example, within a city like San Francisco, that the average class size within the parochial system is between 40 and 50, whereas that would be kind of shocking thing for us in the public school system.

I think that it's fair to say that the essential problem as you, Senator Rodda, have pointed out, is an economic problem in that area. I think, however, that on principle, a choice has to be made and you see if you follow one path to its logical conclusion, if it is just a matter of bolstering the finances, that's fine, but at the same time then you are, and I think there's no escaping it, using public funds for religious education and this becomes a very great problem for every sect. It's not just the Catholics. So, it is a hard problem and I'm in no way unsympathetic to this plight, but at the same time the problem is really an economic one. It's not a problem of people turning back to the public school system because they want to be there. It's a problem of the Catholic schools, at least the ones I know of in San Francisco, being crowded to the fullest extent of their capacity, and so this is the hard choice that has to be made, but at the same time I think it is a choice that has to be made and one that has to be lived with by all of us.

CHAIRMAN RODDA: Thank you very much.

MR. COLVIN: Thank you.

CHAIRMAN RODDA: We are going to try to terminate by five o'clock, but I don't know whether we can or not. We are going to have two more witnesses. We will have Eugene Haggerty, Education Advocate of Community Hope, on options for the improvement of children's education. We have an extensive amount of material and I hope that you could somewhat condense it, if possible. We would like to hear from Don Giddens, Regional Director of the Americans United for Separation of Church and State, and perhaps we can leave at five or a little after, and the others will testify tomorrow.

MR. HAGGERTY: Thank you. I think the fundamentals here are that we really have not defined terms. We have not defined education, we have not defined public, we have not defined a number of crucial things that have to do with education.

Two years ago I designed at San Francisco State College a course, a new course, titled "Educational Validities". I think that this is an original way to look at education. The things that have to do with education which should be fundamentally valid should begin from that point rather than from the point where we are, which is organizational and from the history of education. I have designed a family choice in education system which I believe has the ability to reconcile not only diverse voucher approaches to education, but education itself based upon these validities.

The first validity is what I call an advocacy scheme of education, because right now there is no advocacy in education. By that I mean we have rather a monolithic system of expertise or truth relative to the professional, relative to the intrinsic or the internal aspects of education. So, much of the testimony that we have today and at other times begins with this premise and, of course, you are immediately defeated if you begin there, so we have this validity. It has the immediate effect of questioning effectively education, it has the effect relative to educational vouchers of providing to families legitimate, dependable information with which they can judge what education, quality, or however you want to call it, relative to the needs of their particular children.

The second validity I call democratics rather than democracy which is a little bit more vague, democratics which can be contrasted with politics.

Now, this may seem rather odd for most of us have developed a deep sense of cynicism that if we are talking about education, how can we possibly get away from politics? Well, we can, and the method goes straight to the heart of education, family choice in education. The family itself and the, well, the democratics causes a condition of a more autonomous family.

When we think about it, the family is perhaps the ultimate unit of willful control, and how much do we all talk about local control, whether it is education or whatever. So, that's the second fundamental.

I'm going rather fast because I think we can come back because I would like to have reaction I think this is needed.

The third validity is professionalism. The thing about education is that there is an across-the-board criticism and let's say for the sake of argument, benevolent criticism, criticism of those that believe in education, public education, as I do. I feel in fundamentally criticizing public education that this is the manner in which we can best service public education.

CHAIRMAN RODDA: Fundamentally criticizing is the best way to --

MR. HAGGERTY: Serve public education.

CHAIRMAN RODDA: Could I use a synonym for "fundamentally"?

MR. HAGGERTY: Yes.

CHAIRMAN RODDA: Could I substitute "constructive"?

MR. HAGGERTY: Of course, "constructive", but the only way to constructively criticize education or anything is to get to its fundamentals.

CHAIRMAN RODDA: Okeh, I'm sorry, go ahead.

MR. HAGGERTY: I was talking about professionalism.

CHAIRMAN RODDA: And you think the best way to serve education is through fundamental criticism?

MR. HAGGERTY: Right. Now, relative to professionalism, again, we have a great deal of cynicism in this area. Many of us have given up -- we kind of laugh and chuckle when we hear the word "a professional educator" because we know it's just too far from that. Nonetheless, we do indeed need a professional system of education, and the family choice in education system which I designed goes to the heart of these issues by a number of things. It divides the legitimate economic interests of the educators from the interests of the clients, and it does a number of other things which we can come back to.

The next validity is the economic validity, and I think many of us feel that that's the key validity. I don't know whether it is, but let's accept it as a key validity. Well, there's no competition, of course, in education. We have this monolith within which we have a glob hodge-podge program and we assume that that's it and there's no competition. There's no analytic economic analysis of education at all.

The final validity of education would be the scientific validity of education. At present we must escape from the fraudulent science which it really is in any sense whatsoever however that word can be defined. Education presently is the fraudulent science for a number of reasons.

Let's say that one reason is that the so-called scientific studies are really in laboratories that are far from the realities of the community or from the vitals of the community, but there's a more serious reason why education is a fraudulent science.

Education as we see it is essentially an ecletic hodge-podge, and the idea here is that educators bring together the so-called best of differing methods of education and, of course, in the process they don't learn anything. It's not possible to learn anything of value.

Now, the final, and this is an overencompassing point, we have heard so much, particularly by the previous speaker from San Francisco relative to divisiveness, let's keep in mind that an educational system of validities is, let me read this, I think this will be helpful. Let's define a few of these fundamental points.

What is family choice education? Family choise education is an overarching public system of education or human development. Let's define that word, because no educator can come here and say, look, I know what education is. They haven't defined it that closely. Family choice education is an overarching public system of education or human development, a system of education which finances the family rather than school institutions. Is our goal to save parochial schools, is our goal to save public schools? Aren't we talking about the public interest, the public good, isn't that really the heart in the choice of programs from among a range or organizations, facilities, and methods which best serve the needs of each child?

Family choice education shows earmarks of being the greatest breakthrough in education since perhaps the invention of the alphabet. In recent times, since 1964, Harvard's Christopher Jenks has inspired the concept of family chosen education. Other designations, each with its own implications, include the voucher, client oriented education, and the GI Bill of Rights, and Alum Rock mentioned the scholarship which has a further implication..

Each implication needs to be looked into. Family choice in education could be styled the valid system of education for its methodical adherence to educational validities. Family choice in education has the capacity to reconcile the diverse educational viewpoints and hopefully to rally the public to meritorious popular legislation.

Now, we have fundamental concepts that we are troubled with here. I think the reason for that is the press release, the basic information that we, including the Legislators, have relative to education of from supposed professional basis which kind of puts us in a bind right there. If we are to accept those definitions, we are immediately defeated. We don't even give ourselves an opportunity to question.

Well, I could go on, but I think the point is that family choice in education can really bring this altogether. It can bring together, beginning with educational validities, we can come to what I call a bedrock plan.

Now, for those of you familiar with San Francisco, the Superintendent has developed a master plan, but it's really the same sort of circular reasoning again which is a plan which is relevant to the children that go to public schools. If anything has no meaning for such children, it has negative meaning for the children that do not attend the public system. The advocacy scheme, democratics, due process for the child, which is another way of getting there. We don't talk to them so much about due process for the child. I know that the more popular theme is due process for the teachers and for the professionals. Teacher organizations are demanding that, and so if there's any impasse between the institution, the profession and the child, the child is defenseless, so this is a way of getting at that.

The community with dignity -- I would like to underline this because the nonsense, the garbage relative to what we hear, the alternatives will divide our community or separate or separatism, all these terms which are absolute nonsense, I do not understand the basis for it. In point of fact, the conditions which divide our community are forced unity, artificial -- how do you say it, the kind of system that's conformist and this type of thinking, this is what has imprisoned our children, imprisoned our society. It's out of this we need to free ourselves.

We have heard of the generation gap. We have the possibility of the generation bridge through family choice education, where there is dignity to the family which has probably been the most damaged, grievously damaged institution in America. If we talk about public education being in bad straits, what about the family?

Now, if the family does not survive, if we don't get down to these fundamentals, how do we expect any kind of education to work? This will bring us to the end of educational quicksand, quicksand which is the opposite of a bedrock plan. We are just floundering in assumptions which are not solidly based and, therefore, we can't get deeper.

Pseudo-science and snow jobbery -- I mean this in the best sense of the word. Certainly the professional educators are very able, very sincere, very dedicated, very intelligent, and so they have a lot going for them in their business of snow jobbery. They don't intend that, of course, but this is the effect.

Now, if there is any truth whatsoever to what I am saying, what we need to do here and now is let the public decide on these issues. What does that mean? Does the "public" mean the administrators? We are so troubled by this word "public". It's a sacred cow. Of course, any family choice in education is public by definition. It would serve all the children -- well, I lost my thought as I characteristically do, but this is the gist -- oh, my thought is, my fundamental thought is if there is any validity to what I say, critics, constructive friendly critics of public education, then let the news media get information, is information a bad thing, out to the 20 million people in California to make a judgment as to whether there are validities and then we can go on to the next point; in other words, the toe in the door, the foot in the door is information. That's where we begin the analysis advocacy. That's why I style myself humbly an educational advocate. I think that no educator has the answer.

The only way we can get at this is in an open society and open school system.

CHAIRMAN RODDA: Now, one brief comment and then we will go to the next witness -- you are indicating, as I see it, that you feel that public support should be through the family which indicates some sympathy for the voucher concept or some concept like that, but that you have some reservations about moving too rapidly and, therefore, you would think before we implemented any voucher plan or any plan under which the public funds would be made available to families for the education of the children, we should be very careful to explore all the implications?

MR. HAGGERTY: I certainly would. Now, on the other hand, in San Francisco, and San Francisco is also to be counted among -- San Francisco, in fact, has applied for the OEO voucher -- well, first, it's a feasibility study and so on. Now, I, of course, support that, but I think in theory that could fail. That doesn't mean the voucher concept or the family choice in education concept would fail. And so, we have to be careful what we do and be careful of what we do means. Although I am in support within the context of San Francisco, this particular plan, I am personally troubled because it does not include a preschool voucher, and in my own judgment, my own opinion, this is where it all begins. The evidence is overwhelming. There is rather a consensus of evidence in this area of preschool education and yet ironically we haven't implemented it for historical reasons. Does that answer it?

CHAIRMAN RODDA: I think it does. Thank you very much. I think we should move on to the next witness, who will be the last witness today. Don Gibbons. Thank you very much, Mr. Haggerty, and would you proceed.

MR. GIBBONS: Senator Rodda and Senator Bradley, I am Don Gibbons, and represent two organizations. I work in one of them, Americans United for Separation of Church and State, and the other one that I have been asked to represent is United Americans for Public Schools with office in Los Angeles. We wish to go on record as opposing the voucher system of education. I might say also that I am an ordained Baptist minister and I noticed one of our clippings from a denominational paper indicating that the White House notes Baptist views on school aid plans where seven Baptist denominations go on record through the Baptist Joint Committee on Public Affairs, a watchdog committee in Washington, for such action on church-state relations to oppose the voucher system also. The Friedman, Jenks, or whatever voucher plan might come into existence, one that might originate right here with Campbell, Ryan or the Governor, it doesn't matter, we believe would be an experiment upon our religious liberty that we could all do without.

It would also lead to a radical and possible irreversible change in both the governing philosophy and institutional structure of American education.

As far as parochiaid is concerned, it's old hat and has been practiced in Europe and in Central and South America since the dark ages and it would lead us backwards as far as education is concerned.

The project of educational vouchers on the national scale is being sponsored by the Office of Economic Opportunity and not by the Office of Education. Why? We had a representative here this afternoon from that Jenks' committee. This 219-page preliminary report is a fantastic document which can only be regarded as a blueprint for disaster in destroying public education, truly private education, religious freedom and the interfaith and community harmony that holds society together.

None of the seven different voucher plans analyzed would be good for America in our eyes. It would demoralize the educational community and create confusion. It would make educational planning and administration chaotic. It would lower educational quality, raise taxes, and that, I know, you are interested in, Senator Bradley, and encourage misuse of public funds.

Not only would every citizen lose his right to support only the religious institutions of his free choice, but large established religious groups would derive proportionately more benefits than smaller groups with more thinly and widely scattered memberships.

The voucher plan would establish the largest church in any area and, therefore, would be unconstitutional. Churches and other groups desiring to retain complete independence would be denied voucher benefits, while churches willing to play the game would have their schools completely funded by taxpayers. Some clerical groups think that they control the controllers; others fear that what the state subsidizes it must not only standardize but control, and they do not want this. It would not satisfy the parochial interest in education by passing a voucher system.

Special kinds of indoctrination and discrimination are the main reasons for the existence of over 90 per cent of nonpublic schools. If the government fosters such with tax aid until it festers the poison will spread through American society until it fails and results in actions similar to what might be seen today in northern Ireland.

The voucher system would mean support for a growing multiplicity of sectarian and politically oriented private schools. All citizens would be forced through taxation to support schools engaged in every sort of sectarian or political indoctrination, political and social action and religious and political segregation.

Now, the voucher system seems to have an implacable hostility towards church-state separation and the system of public schools which has made one nation of such diverse components a great pluristic society which has provided us with more posperity and greater social mobility than any nation in the world.

It would be possible for us to commend the 1970 California Legislature, along with 29 other state legislatures, for rejecting such parochiaid legislation. Although some arm twisting by parochiaid advocates took place, these legislators were not deceived. We would encourage you to evidence concern for the public schools and suggest that you remain "neutral" concerning parochial and private schools. We challenge you to bring forth legislation for an "impacted aid" grant to assist local school districts where a sudden influx of students from the one nonpublic school system in trouble overtaxes school facilities. So far as I know, no one else is trying except the one parochial system. The other private institutions seem to be doing well.

Neither have the people been deceived. Smashing referendum victories in both Michigan and Nebraska clearly indicate, as did New York in 1967, that American taxpayers have no intention of saddling themselves with the costs of church schools, nor do they intend to espouse programs of state aid to church institutions which would undermine the separation of church and state.

Another favorable "signs of the times" is seen in the fact that our judicial separation stands firm. The last four lawsuits, dealt with so brilliantly by a young man from the American Civil Liberties Union awhile ago, have all resulted in decisions against such use of public funds. The cases are, in Montana, Chambers vs. School District No. 10; in Rhode Island, Decenso vs. Robinson; in Connecticut, Johnson vs. Sanders; and in Louisiana, Seegers vs. Parker.

We have yet to see what the Supreme Court will do with three relative cases now being heard from Pennsylvania, Connecticut and Rhode Island. We turst that they will stand as firm as the people have since the days of Jefferson and Madison for a country where all religions shall have free exercise, but no man shall be taxed for their support.

We ask you to vote against this voucher system or any other parochiaid plan in order that separation of church and state might remain a cornerstone of American democracy.

It seems to me that the signs of the times from Michigan, for example, where the voters had their say, for as frequently happens in the home of the brave, the majority of the voters made some decisions that confounded the biggest political money spenders and pressure groups, and renewed my faith in the basic common sense of most citizens. I have faith that most California citizens will vote as intelligently.

Concerning the signs of the times, I might say that those who are tampering and experimenting with our basic liberties, like religious liberty, and I think this experiment of the voucher system would be experimenting with our liberties, and we are to be aware of such. We need to remember the man who reportedly bought himself a new boomerang, but in trying to through the old one away he killed himself, and those who are trying to tamper with our religious liberties through tampering with the Constitution need beware. The people in the grass roots as well as the justices in the courts still stand by church-state separation and I think want, and I hope that the Legislature will be as wise here this year as they were last, to hold that down.

CHAIRMAN RODDA: Thank you very much. Any questions? Thank you, and we will terminate the hearing now and begin again at 10 o'clock tomorrow. Thank you very much.

(Thereupon an evening recess was taken.)

WEDNESDAY, JANUARY 13, 1971, 10:30 O'CLOCK, A.M.

---o0o---

CHAIRMAN RODDA: The committee will again convene and we will call first on Dr. Charles Benson, Professor of Education, University of California at Berkeley.

Incidentally, it appears we will have to meet this afternoon, so we will adjourn shortly after 12 and reconvene in the afternoon.

DR. BENSON: Mr. Chairman and members of the committee, I am Charles Benson, Professor of the Department of Education, University of California at Berkeley.

I have worked for some years on questions of education finance and the last year or so have been dealing with the topics of vouchers and decentralization, in part, in my capacity as staff director of the New York State Commission on the Quality, Cost and Financing of Elementary and Secondary Education.

I would like, with your permission, sir, to leave with you a paper entitled "Economic Analysis of Institutional Alternatives for Providing Education", and I would like also, if I may, to read a short summary statement.

CHAIRMAN RODDA: This is going to be part of a book that is in the process of publication?

DR. BENSON: It is in the process.

CHAIRMAN RODDA: Would it be permissible for us to enter it into the file?

DR. BENSON: Yes, sir.

CHAIRMAN RODDA: And produce it as part of your comments?

DR. BENSON: Yes.

CHAIRMAN RODDA: Will you proceed?

DR. BENSON: Thank you. In the matter of the paper and the summary, I think the central theme is an effort to provide greater choice in educational systems, choices of students, parents and teachers. We are living in a time when educational systems are demanded to become more open, more flexible, and more humane. In part, the new demands call for laying options before students. These options might provide greater opportunities to students to specialize in departments in small groups of subjects in which they had unusually strong interest and aptitudes. The options might also allow students themselves to regulate the length of time they spent in some given program's study, subject, of course, to requirements that students demonstrate their readiness to move to some different and presumably higher level of instruction.

The options might allow the students to pursue his education discontinuously, and so the lock-step characteristic of American education is being placed under stringent review.

A second major attack on our educational system is directed at what is thought to be rigidity in hiring and promotional practices of professional staff. It is noted that the school should be better able to accommodate persons who wish to work on a part time basis and there are many types of people in our society, such as housewives, students, older artists, musicians and so forth, who are unwilling to obtain certificates in the normal process and who would not be inclined to teach a full work week. It is doubtful if the schools have explored very thoroughly the opportunity to use para-professionals.

Experiments in which older students teach younger students have been successful in some cases, but the practice has not spread widely. Next, education still lacks well developed kinds of apprenticeship or internship arrangements. Next, promotions are largely through seniority, and if I may be pardoned a critical comment, our present practice in education rivals those of our railroads.

A third attack comes on the financial front. In part, this attack takes the form of complaining when schools have aborted efforts to achieve greater efficiencies and as a consequence they have become more costly than we can afford. In part, the attack from the financial front takes the form of raising questions about why a given householder should find it necessary to move its residence into another school district in order to obtain those higher quality services.

Lastly, it is suggested that a condition in which householders of some school districts receive expense of educational services and pay taxes at low rates when at the same time householders in the neighborhing district are suffering under just the reverse conditions. It is grossly inequitable.

What is being asked for then, sir, is an educational system which is more open, flexible, and humane in respect to treatment of fortitude of students, teachers, and those who might come to service teachers and parents -- households.

I would now like to talk about some of the proposals that are being advocated as a means to accommodate the demands for what Dean James from Stanford has called deinstitutionalization of the system. These proposals are not especially new, nor do I think we would find them unusual in any way if we are looking at them from abroad. On the other hand, I feel that adoption in a serious way of any of the major proposals or any combination thereof would produce significant changes in our educational system.

I do not know what the phrase "to destroy our public school system" means, but I do admit that the new proposals might have some effects in reducing our sense of social cohesion and possibly even in reducing the sense of intellectual discipline and honesty in the rising generation, but I still feel that the proposal should be considered on an experimental basis and considered thoroughly.

Now, the first kind of proposal is that of decentralization and this applies mainly, of course, to the larger urban areas. There is a current effort to trace this, I believe, by the foundation report under the title "Reconnection for Learning". Partly as a consequence of the foundation's putting out this report, New York City did make an experiment with a substantial grant of powers to small local districts. The experiment is continuing now on a reduced scale alongside a continuing movement in New York City to establish some districts. Now, up to the present time, except for the small continuing experiment in that place, the right of the local school board to make its own decisions about which teacher to hire, fire and promote, and the right of the faculty, administration and concerned parents of the local school to make decisions about how the money in that school shall be spent, these powers have not really been devolved.

Until the former condition is satisfied, namely, the power over staff, racial minorities will not feel that they have the means to protect their children against what they see as the uncaring teacher. Until the latter condition is met, that is, financial autonomy in the single school, we shall have difficulty in establishing incentives for institutional billing as applied to the most crucial cost centers, or the local school.

I feel we are so far away from these grants of effective power that we find it hard to know what decentralization really means. Now, one can imagine the school district could be established in metropolitan areas to consist of one high school and its feeder elementary schools. This could be seen as a lower tier for a two-tier educational system. The upper tier could provide functions on a regional basis such as specialized high school programs, including vocational, delivery system of transportation, food, house services and so on. I cannot imagine that decentralization can mean a smaller district than a high school district. Boundaries could be drawn to maximize social class integration within large city areas, though one might lose some consensus in doing so about what are appropriate educational policies. I feel there's a basic difficulty, however, with decentralization. Parents in a minority position, and I speak without reference to race, on any important question might find themselves more rigidly excluded from their preferences than if administration of schools were continued to be exercised at a higher level, and administration which could turn its back on some of the kinds of accommodations that are now quietly made to diversity in tastes.

So, sir, I would respectfully submit that along with continuing experiments in decentralization there be attempts to see what can be gained through the use of vouchers. I understand that Professor Coons of Boalt Hall spoke here yesterday, and I should imagine that the voucher proposal was thoroughly covered. The basic idea, of course, is that the households receive a kind of script which is legal tender in approved educational institutions. The early proposals provided script of equal value to households regardless of the household's income. That is a major change in the Coons' proposal. His thinking would lead him to suggest that the script allotted to poorer households should be larger in amount than the script provided to richer households.

Secondly, under the Coons' proposal as it has existed, the households would be barred from what is called adding on from their own means to the support of the school. Now, both of these provisions, the no add on and the distributing of the script value inversely to household income, are attempts to provide equity alongside choice. I think that there are difficulties in determining the appropriate values of the scrips. There may be difficulties in determining the appropriate amounts of household contribution toward the payment for educational services.

Experiments would help in determining what these might be, but I think there is a very fundamental issue raised by Professor Coons' proposal, namely, that a household without moving itself from where it now lives might exercise some measure of the kind of choice that we have when we enter the private market, that is, the household would be presented with a range of quality of schooling, and it would choose among these and its contribution would reflect its choice. That is, if it chose a more expensive school program, its own contribution toward the payment for educational services would be higher than if it chose a cheaper one. I think this is a new thing that Professor Coons has added into the consideration of educational finance.

Now, in addition to any possibility for continuing experiments with establishing smaller subdistricts in metropolitan areas in seeing if vouchers can well fit into the main formal education enterprise, I suggest that there are uses for voucher kinds of payments on what I would call the productive margin of educational operations. What I have in mind, I think there are four types that occur to me. These are being considered by the New York Commission that I mentioned.

One is that there be vouchers for high school dropouts. The vouchers might purchase for the dropout a study in an adult high school once he decided that for him a high school degree was important -- the adult high school might provide an intensive and a grown-up sort of program for the student. He would be freed from the atmosphere of the school in which he had failed or on which he had turned his back. It would be a program directly aimed at getting him academic qualifications to move ahead.

I should think he should be able to use also the voucher in proprietary schools. These have avantages of concentration of program, of start up time that suits the students, and offering substantial placement services. So that is one special use of the voucher type payment.

Another would be to offer vouchers to parents of very young children to support early education. These might be primarily for people whose, we'll say, income, net income is below $5,000. These might be, and they might provide for that group of households full subsidy of early education. In New York State we are currently estimating the cost per year of early education as $1500. Richer households, but those still not well off, might receive partial subsidies toward early education. The thing is that instead of moving into early education as an extension of the main educational system, you see the use of vouchers allows experimentation, allows Montessori type programs to grow if they are appealing, and the like. This is based on the idea that we may not know yet what is the best form of early education, though some form seems to be important for particular groups of children.

SENATOR HARMER: You mean by early education what we conceive as preschool education, below kindergarten?

DR. BENSON: Below kindergarten, starting perhaps at age three, for some students age four.

SENATOR HARMER: What do you do if you have a child from that $5,000 low income family and you put him through a Montessori school for a year and then send him to kindergarten in his neighborhood, what's he going to do?

DR. BENSON: Well, he'll go ahead of the rest of them. Now, if he's from a household that's poor, I don't think -- well, I wouldn't be concerned about his problem, you see. I mean, in the first place, he may otherwise start out with a disavantage, you see, so it is possible you would be bringing him up to where he would start if he were from a middle class family, even if he has some edge on other students given the pressures against his academic performance that would continue over many years and possibly the absence of suitable conditions for his working, his homework and so on. Now, I think one should not be dismayed if he began with a disadvantage. Ideally, of course, there would be enough flexibility on the kindergarten and elementary programs that the students who come in having had the benefit, I like to think it is that, of early education, could move along at their pace and students who were starting school for the first time could move along at theirs, too. I think we are approaching the day to the use of para-professionals and mothers and possibly graduate students and so on in the elementary grades, we're getting enough people in the schools so that with proper organization one can have sufficient individualization of instruction so that this won't be a problem, Senator.

SENATOR HARMER: Thank you.

SENATOR BRADLEY: Dr. Benson, may I ask you a question? You are a professor of education at the University and this may not be precisely, Mr. Chairman, on the point, but I think it is appropriate.

CHAIRMAN RODDA: This gentleman is a very valuable resource and you go right ahead and exploit it.

SENATOR BRADLEY: Well, I didn't exactly have that in mind, but whatever happened to many studies of a few years ago to the effect that this preschool education could be highly detrimental to children if you tried to put them into a school atmosphere under conditions of forced attendance, forced attention, and many other factors that go into school. Is it your opinion that there are no problems in connection with taking three and four-year olds and starting them at a preschool atmosphere and starting to educate them?

DR. BENSON: No, sir, I think there are problems, and I regret I cannot give you a thorough answer. This is a matter, I believe, basically of educational psychology, particularly educational psychology of young people. Now, I have to go by what people tell me, you see, and I do know a number who are presently working in a city school setting and they feel that the idea of early education should be strongly supported, but on a basis that is voluntary for the household and on a basis that offers the opportunity for a number of different kinds of programs to flourish.

SENATOR BRADLEY: Right there, Dr. Benson, just to get quickly to the point, supposing that a mother and father or parent combination decide they want to put a three-year old or a four-year old into a preschool program, it's their concept that it's going to be good for their child, yet is there in fact a possibility of psychological harm coming to this youngster in trying to force them into a school pattern at this age? As I understand, there are studies that have been made to the effect that this can happen.

DR. BENSON: I think there is the possibility of psychological harm. I have no good evidence on the point. I think that in the majority of cases of young children who have gone through these programs, the majority are benefited. I don't deny that there are probably cases of psychological damage, and I think this is why this venture should be approached gingerly, and I think that a function of the state is to try to see if they can obtain services of well qualified educational psychologists to monitor the ventures.

SENATOR BRADLEY: Now, bringing this point into connection with the voucher question, would it be advisable to consider in connection with this matter limiting the use of vouchers to, well, let's say, the accepted elementary level now which would be kindergarten through the eighth grade, for two reasons, the possible psychological damage; secondly, the cost factor, because if we are going to start putting out money on an ADA basis for preschool children, we are adding a whole new factor of expense to the state where the state is now not spending money for the education of children on that point.

DR. BENSON: Yes, Senator, I agree that this would be a program of substantial expense, but let me while I'm up here, make another proposal. The information I have is that many students become very restless with secondary school perhaps during the twelfth year. The evidence on the early admissions program is favorable, going to college earlier, you see. I would like to trade some expenditure on the twelfth year of secondary schools to expenditure on early education. I think both of these changes could occur only gradually. That is, if there were more use of early admissions, if there were not so much bad said about a student dropping out of high school, with a voucher system where you could go back to an adult high school later. In other words, if one could make it more desirable that students leave high school after their eleventh year, this saves some money. I would like to see that money put on a voluntary and flexible and monitored system of early childhood education.

SENATOR BRADLEY: Well, I have called this twelfth grade situation sort of the twelfth grade syndrome in which it would appear that the concept of education, particularly the last semester of high school, is dropped in favor of social activities, and I don't know what all comes along, isn't this also a matter that might be corrected by a vigorous policy of review on the part of the second level of education, that classes and studies should continue through the end of the second semester of the twelfth year, which now basically seems to stop at the end of the first semester, and the last six months of high school is really a nightmare. They just wander all over the lot.

DR. BENSON: Yes, Senator, if one is to continue to expect the successful high school student to complete the full twelfth year, then I would agree that the second semester should be a full semester. I'm not anti-learning, you see, but I was trying to suggest that one way to help meet the problem of financing early childhood education would be to think seriously about whether that whole twelfth year is indeed necessary for many of our students.

SENATOR BRADLEY: One other point, Mr. Chairman. You were not here yesterday?

DR. BENSON: No, sir.

SENATOR BRADLEY: You are aware, I'm sure, in making your study on this subject that there are some who feel that there are serious constitutional questions involved?

DR. BENSON: Yes, I am.

SENATOR BRADLEY: I won't go into that. Yesterday also there was a point raised that assuming there were, I believe we have been told 500,000 students in California who were attending parochial schools of one kind or another, and assuming that a voucher system were adopted, that it would mean a very considerable expense to the state in that virtually all any parent would have to do to switch from what he is now paying for the youngster's education in a parochial school by tuition, would be to withdraw his child from the parochial school, enter him in the public school for the first time, and become qualified for a voucher, and then put him right back in the parochial school and he would be relieved of the tuition he was previously paying, or at least as much as the voucher would cover. This would then mean that a substantial part of the 500,000 students would come on the state for the first time as recipients of ADA support, and therefore, it would amount to a very substantial cost. Has that factor come up in your studies ,too?

DR. BENSON: Yes, that is, I think, one of the reasons that I feel the whole idea of the voucher should be explored on a limited experimental basis. I think this is a very difficult and controversial question, but I'll say what I think about it for whatever it's worth, and I'm not a lawyer, and I am saying this without a deep knowledge as such things as educational psychology, but it seems to me that the trend of Catholic education is toward establishing schools that are in effect copies of the schools we have in the public sector. That is increasing; that is, increasing the use of lay teachers, increasing suburbanization of the student population.

Secondly, I think it is possible to raise with some people who are members of the church where their parochial education is still very important to them if it is a duplicate of a suburban public operation. I'm not speaking to the question of whether religious education is important, but that can be separate. So, at the moment I do not see it a good public policy to try to approach the subsidization of church schools in the present direction through quick and broad scale adoption of a voucher system.

SENATOR BRADLEY: I notice on page 5 of this synopsis of your work here, and I'll read the sentence before leading up to the sentence I was interested in: "The response by middle class families, including the small but growing number of black families, to dissatisfaction with big city public schools is to use the parochial. There (referring to the parochial schools) learning of fundamentals seems to go along at a better rate and discipline is stronger."

Would you say that this is a fair criticism of some of our public schools today?

DR. BENSON: Yes, sir, I think it is.

SENATOR BRADLEY: I appreciate that. I agree.

DR. BENSON: Mr. Chairman, just two additional quick points on the supplementary use of vouchers. A third form might be to provide --

CHAIRMAN RODDA: May I interject a comment there. I appreciate what Senator Bradley was saying. Discipline is easier to maintain if discipline is important, and I think education is to a certain extent a product of self-discipline, I don't think anyone could challenge that, but it is easier to maintain a situation in which you can eliminate the unruly; and while you are not bound by the law to retain the unruly, but to give an illustration of that, we recently heard of a private school operating in San Rafael with a tuition of $900. They are very successful in their reading program. They bring students to the school over distances of 40 miles in buses and they concentrate there on the use of the McGuffey reader, and this is fine. If you examine the classroom you find there's not an ethnic minority student, at least I haven't seen any in the pictures that I saw, they are all Caucasian middle class affluent families and the institutional president, or the president or owner pointed out that if the child misbehaves, the parent is advised of the fact the child is misbehaving. On the second incidence of misbehavior, the child may be dismissed from the school and the school keeps the remaining portion of the tuition, which might be $800 or $500 or $600. Now, to a certain extent even parochial schools do this, although I know a young lady who is teaching a class in which there was an overachiever who represented an ethnic minority. The child was a discipline problem in the class. What they did there was to move the child to a class where the competition was greater and this solved the discipline problem.

I talked to a sister who was involved in a parochial school educational process because I visited the school. They had a similar situation there and their indication was that the child didn't correct her behavior problem that they would dismiss the child from the school which meant that the child would be in the public school. So, I think the context is not quite the same, and I use these illustrations just for argument.

Let's get back to you. You were on point three.

DR. BENSON: Yes, sir. This would be the use of vouchers to provide younger students the means to engage in more interesting and one would hope more productive activities after school and on weekend hours.

I would like to think, too, that either the public authorities or private contractors could establish near schools, particularly in the city schools, facilities that included good laboratories with attractive equipment, that would stimulate the interest of the child; libraries;

materials for crafts, I mean higher crafts, you see; possibly some rehearsal rooms; possibly some musical instruments where the students could go of an afternoon and evening or a weekend.

The fourth, and the first I heard of this idea was from Dr. Lloyd Morriset, who is head of a foundation on the east coast. The idea is that one might have book stamps for which members of a household would qualify. The problem that this is aimed at is the fact that when one tries to help some students in the inner city schools become interested in reading, they have nothing much to read outside of school and some of the school materials may not be to their interest anyway. Secondly, this might help to overcome what I have heard is a difficulty, namely, the loss in reading skills that occurs during the summer. Possibly this would do something in at least a modest way toward that problem.

Thank you, sir.

CHAIRMAN RODDA: Any other questions? Well, I previously had a copy of your chapter and I have read it and it's excellent and I think one of the most technical analysis that I have seen of this problem and I intend to read it again, and I would not like to summarize your testimony, except that as I understand, and I would like for my own purposes and my own thinking to clarify something that I think is fairly obvious, but I would like to say it anyway. First, it's your view that there is some justification at least in experimenting with the voucher concept?

DR. BENSON: Yes, sir.

CHAIRMAN RODDA: But secondly, you do not see the voucher concept being developed in such a way that it would provide subsidization for schools operating on the sectarian basis, is that right?

DR. BENSON: I would be very unhappy if a progressive state like California gave a signal to states that are now moving out of the era of de jure segregation, that one should establish schools to provide or reprovide racial segregation. That's one problem I see. As I indicated, I would myself, though I feel this somewhat less strongly, not be happy to see the wholesale adoption of vouchers be used to support a parallel system in the suburbs, one public and one religious, you see. Those are two problems that bother me about major adoption or major quick adoption of the voucher system, the possible feeling in some states that if places like California and New York go for vouchers, that this means that's fine for them, and you get back to racially segregated schools.

CHAIRMAN RODDA: Is it possible that within the framework of a voucher system which involved proprietary schools which were totally sectarian and also schools owned and operated by secular organizations is it possible that through the voucher system one could provide those controls that could overcome this?

DR. BENSON: I think so. Professor Coons has gone a long way towards suggesting the controls. Another thing is that I think the early uses of vouchers could be directed toward poorer households. If the poorer households that lived in a part of a city wanted to use its voucher in purchasing service from a school run by a religious order, I would see nothing wrong with that, you see, but my question is, do the religious orders have the same sense of social mission they had earlier? Will they serve the inner city? But, if the vouchers were held substantially by poorer people, that's one way to minimize, I think, the possibility that we would develop parallel duplicate systems of schools in the suburbs.

CHAIRMAN RODDA: Yesterday we had Dr. Cohen here and as I recall the testimony, the Coons' evaluation is a more elaborately fine modification of the proposal which Dr. Cohen has developed. Your sympathies, I would think, seem to be inclined to support the modified, more complicated refined approach?

DR. BENSON: Exactly, sir, not the original Friedman proposal.

CHAIRMAN RODDA: Thank you very much.

DR. BENSON: Thank you very much.

CHAIRMAN RODDA: We are very happy to have this testimony. All right, Dr. Henry Levin, Professor of Education at Stanford University.

DR. LEVIN: Mr. Chairman and members of the committee, I am Henry M. Levin. I am Associate Professor of Education and affiliated Department of Economics at Stanford University.

I have been concerned with problems of the schools, particularly financing the schools, but also, their organization, and questions of their effectiveness for some seven years, and at the present time I have a substantial grant from the Ford Foundation to carry out a year-long study of the implications of voucher type financing schemes for the educational system. It's not really my intention to report on that study since I'm in the midst of it at the present time, and at best I just have some insights on what the final report might look like.

I thought that I might make just a few rather general comments about the goal of the voucher proposals and why it's very important that we do consider experiment in this direction.

I'm not going to review the problems of the schools since they have been documented before you many times, and certainly you heard enough about these in the hearings on Senate Bill 242 in the last legislative session. However, one might step back from these problems and ask one's self this question, is it possible that the public schools with just minor modifications or reforms and more money are going to solve these problems? The evidence that we suggested in the hearings on SB 242 is that money in itself will not solve these problems, but only money in combination with rather severe structural changes in the way the schools are organized and operated will make the difference.

The evidence on compensatory education money both in California and for the nation as a whole is very pessimistic with regard to simply doing more of the same with a little window dressing to make it appear that changes have taken place. If we look into the problems of the schools and categorize them in a general way, we see two basic kinds of problems that are discussed today. One is that the schools are failing to teach substantial numbers of children basic skills, that we see large numbers of dropouts; second, is that the schools are failing to provide equality of educational opportunity, whether it is measured by dollar inputs among the various social and racial groups, or whether it is measured by the outputs for these groups; and then, finally, we see the question of social homogeneity, that the schools seems to be highly segregated today, particularly racially, and they seem to be becoming more regulated rather than less regulated over a period of time.

There is somehow the assumption when we talk of these problems that at one time the schools didn't have these particular problems, that they functioned very well, and that generally the system has deteriorated over time.

Now, I'm going to state here that in my research over the last several years, but particularly over the last several months in terms of getting context for the vouchers, I really don't think that this is the case. The work that I have done suggests that, number one, we have always failed to teach substantial numbers of children basic skills; there have always been large number of dropouts; equality of educational opportunity has always been more of a rhetorical kind of goal than a real one if we look at the schools within the states, and, of course, we recognize these are the responsibilities of the state, but also, within school districts and even within the schools in the allocation of resources.

Then finally, social homogeneity, and this is the shocking thing to me, again has been a myth, that if we look at the immigrant's experience, the immigrants went to school with other children of like background in the lower side of New York. If they were likely to see other cultural styles, they were not among their fellow students. If they were mixtures, they were only ethnics of Poles and Italians in the same school, also just first generation children. Blacks were going to officially segregated schools, most of them being in the south or being in sections of large cities that were themselves segregated.

What I am suggesting here is that the concept that the schools are failing and that somehow providing more money or making modest changes, they will succeed once again is wrong, if in fact, the schools have always had these kinds of problems.

Now, the question is, why is it today that we worry about these problems and that we recognize them? I think that there are at least three answers here. One is that we have much better data today on the strengths and weaknesses of schools than we ever had. There were assumptions in past years that the schools were doing the things they claimed they did. Lo and behold, we have reports like the Coleman report. We have investigations for particular cities and we found that they weren't doing what they claimed they were doing. So, we had better data. This gave the impression that the situation has deteriorated, and I think I should make a statement here today that it is quite clear that some situations have deteriorated, but here we are talking about the more general situation. Some situations have strengthened to counter the deterioration. So, there will be individual idiosyncrasies within the system, but we are talking about the general situation.

A second reason for the observation of the failure is the fact that the budget has suddenly hit us over the last decade with great force, not only the bond defeats, the tax defeats, but the sheer magnitude of the expenditures and expenditure rises on the schools have suddenly raised enormous questions about what the schools are doing and whether dollars are going to make a difference, and these, too, have made us recognize the problem that I believe has been there, has in fact always been there.

I think a third one is this whole social revolution that's taking place in the last decade and that is requiring us to make the rhetoric and the myths real, that is requiring us to truly provide equality educational opportunities in terms of truly providing a chance for individuals from different social classes and racial groups to succeed, for example, to truly provide an attempt at a heterogeneous environment racially and socially integrated; to truly attend to different learning styles that those children who don't learn in a conventional mode can have their particular needs filled. Those children simply aren't like the majority who are going to persevere no matter what.

CHAIRMAN RODDA: What you are really saying, if I can interrupt, we have increased our expectations, we have also increased our standards, elevated our standards in recent years, and so therefore, we are demanding more of the schools, for example, categorically the programs which I mentioned yesterday for the mentally retarded, and emotionally disturbed, the physically handicapped and so on, even the gifted child, and besides that, the culturally handicapped. Now, in the past we have ignored educational problems that are involved in treating pupils with these kinds of educational handicaps. The public says, and an affluent society is certainly going to say, we can afford better, and we would expect better, so our expectations have gone up and, therefore, education is really in a very difficult position because traditionally it hasn't been expected to do what we are now asking it to do.

DR. LEVIN: Yes, Senator Rodda, I agree with that prognosis, but I should also add that in part it is not just rising expectations, it's also the expectations that we are truly going to fulfill what historically we have claimed we were going to, the equality educational opportunity, the education in the racially and socially heterogeneous environment, the idea that all students will be given individualized instruction, for example, which has long been rhetorical, and we are saying yes, we actually have to do this, and now there are all kinds of pressures as well as data which shed light on this kind of situation.

CHAIRMAN RODDA: I won't quarrel with you about the slight difference there, but it would seem to me the thing I was trying to reach, and you are an economist, and I have been making this analogy, and I have been inferring education is an industry with increasing cost, and it derives from the fact that the raw product, which is the input, which is the pupil, is very individualistic, unlike the situation in industry, and we are asked now through the public schools to deal more effectively with the problems of the individual child which means that we cannot rely upon the traditional methods which were mass production methods in which we forgot or ignored the discards which were absorbed in the economy and which are not as easily absorbed in the economy because of technological progress which is requiring higher vocational skills, technical skills and professional knowledge and so forth. Therefore, in that sense by virtue of technological change, the demands for education are greater, because of affluence the demands for education are better. We are addressing ourselves to the problem of the individual child, whether ethnic or handicapped, and there have been no breakthroughs in learning. I'm amazed at the failure of the people in educational psychology to present this country with a sound understanding of the learning process, and therefore, of an effective means of teaching. It just is not present, I don't care what the subject matter is, and as a consequence as we deal with these problems which we are imposing on the schools, we cannot introduce technological change to achieve the economies of mass production and we fall back on methods of instruction which are traditional, or modifications of the traditional, and the cost in terms of inputs of the teacher, in terms of reduction in class size, in terms of professional training of teachers, and materials and of the teacher aide, are greater and we are really operating an industry with increasing costs, as I see it, and until the public is appreciative of that fact, it seems to me that they are going to treat education rather shabbily; and because of some of their values and the way in which they want to utilize their discretionary income, they are going to fail to support education to the degree that is necessary to allow the school system to overcome these handicaps. You simply wouldn't ask that much of an industry. Now, would you agree with that analysis?

DR. LEVIN: I agree substantially with what you said until you get to the point where you seem to imply that substantial costs of doing things the same as we have always done will solve the problem. The latter part of your statement seems to assume that if we do increase the expenditures substantially continuing to do the things we have always done and we've known how to reduce class size for a long time, that somehow we are going to score successes where we have never scored successes.

CHAIRMAN RODDA: Well, what we are talking about now, if I can respond, is decentralization, and I think --

DR. LEVIN: You are talking about technical changes.

CHAIRMAN RODDA: But what we really need, as I see it, is to have a breakthrough in our knowledge and understanding of the learning process and of child behavior so we can deal more effectively with the individual. All right, you go ahead.

DR. LEVIN: Right. I think we are in substantial agreement on these points.

CHAIRMAN RODDA: I'm glad to hear that we are because I'm only an amateur economist.

SENATOR HARMER: There's one other point as long as we have interrupted Dr. Levin.

CHAIRMAN RODDA: That's what they are here for, to pick their brains.

SENATOR HARMER: There have been some efforts made in meaningful innovations, and it has been my observation and experience that the educational establishment resists these far more effectively than the public resists the point, which I think is a problem that has to be added to your categorization.

CHAIRMAN RODDA: I think that's why you are pushing for decentralization, to overcome the democratic opposition to innovation.

SENATOR HARMER: Well, look at the master teacher differentiated staffing concept apart from decentralization. The people that go livid over this are the special interest groups.

CHAIRMAN RODDA: I have to agree. Will you proceed.

DR. LEVIN: Well, from what I have just stated and also from your review, I conclude that it's not going to be enough to simply try to resuscitate a system if that system in itself never did accomplish these goals; that what we have to do now is find ways of helping that system achieve its goals through major structural reforms so that innovations that do exist can be diffused downward and actually get into the classroom. This has been one of our major problems, that those innovations that do seem to have yielded results have not with success been implanted in the classrooms, and so-called experimentation that is supposed to be taking place in the public schools never seems to take place the way that we expect it to in terms of a true experiment where people take risks, where the findings are reported in such a way that maybe we lose or maybe we win, but at least we find some of the answers that you feel we should be looking for.

CHAIRMAN RODDA: That's where I am having some serious problems about the fact that I feel that in many instances critics of the public school system are putting too much emphasis on institutional change along with structure and so forth, credentialing of teachers, do you follow me? As I discovered when I visited in schools and talked to teachers and observed the educational process, there is a failure to appreciate the problems of the child in our society, and unless these structural changes are designed so that they take into consideration in a meaningful way the behavioral problems of the children which we can understand in terms of the alienation of the child, by the time the child reaches junior high school, the child has had in many instances significant contact with so-called counterculture or the adversary culture which places this school as part of the establishment and makes it almost irrelevant to his life, which has an adverse effect on the willingness of that child to participate in education, and yet that's the problem that the teacher has to deal with. By the time the child reaches junior high school, it has had quite an opportunity to come in contact with the drug culture and may have sampled drugs and may be involved in drugs which create another problem. By the time the child reaches junior high school, if it is a product of a broken home, it may have been hyperactive in the elementary grades and actually been prescribed tranquilizers and has not been effective or successful in the school and not have learned or it may be a product of a subculture, such as an ethnic minority, and what I am saying to you and what I am trying to establish is that unless we recognize the changing input which is primarily the pupil, its alienation, its noninvolvement, its emotionally disturbed condition and so forth, and recognizing that we have to have better understanding of the learning process and of how to deal with these children psychologically and in our teaching, all the structural changes you can envision are not going to be very productive. How do you answer that?

DR. LEVIN: Well, I think part of this lies in the semantic difference between what you call "structural change" and what I call "structural change". The kind of structural change --

CHAIRMAN RODDA: I'm not angry with you. We are old Stanford men. Go ahead.

DR. LEVIN: Well, I think there's a difference in what we are referring to as structural reforms. It's true that many people talk of structural change as change in credentialing or modifying class size, but what I am referring to is something which is more basic than that and does not predict that that will be the outcome. I'm referring to structural changes which bring the decisions for each child that affect his education much closer to him, to his family, and to the people who are concerned with the decision making, have to carry it out. Now, in this sense the decentralization kind of remedies and the voucher remedies have a similarity because both of these try to decentralize the decision making to take account of the fact that there are a very large variety of individual situations among children. They come from different backgrounds, they have different personalities, they have different learning needs. It's very very difficult then to do this at a very high level, such as the state level or large city level such as that of the Los Angeles City School District or even other districts smaller than Los Angeles, but still making decisions that will affect the welfare and education of a child in the classroom situation. These also tend to hamstring the teacher in terms of making her sensitive to these different needs because even if she were sensitive, very often there's very little she can do about it given the kinds of restrictions on her ability to modify the curriculum and to make differences, and I feel that in many respects the teacher is a scapegoat in the process because the teacher is visible and we can always get back at that kind of symbol, but in a larger respect the teacher is simply performing a role that the institution expects of her and is far more frustrated than the most frustrated parent in attempting to do the things that he or she feels are necessary.

Thus, I'm led to the conclusion that unless we can decentralize decision making either through political decentralization of the schools, meaning not only getting some kind of parent decision making, but I believe also teacher and principal decisions should be made at different levels, many of them at the individual classroom level or student level, many at the school or department level within the school, many at the community level, it seems to me that we will not have the ability to be sensitive to these kinds of differences that you have mentioned and to work out educational styles that are meaningful for different children. We are always going to work along that universalistic model of one approach simply mandated for everybody and we are going to continue to have the very problems that we mentioned in the past because this does seem to be the basis for the existing public schools.

I would like to push for an experiment with the voucher approach. Now, let me again state my purposes. Despite the fact that I have been working on voucher approaches for a considerable period of time and that I have this grant from the Ford Foundation, I am not in favor of a generalized voucher approach. I can see some of the arguments against vouchers, the fractionalization of society, letting every parent and child do his own thing among different schools, the possible extreme social stratification, religious and so on, are real dangers that should not be minimized.

On the other hand, I have to ask how could segregation be worse in Hunters Point or in West Oakland than it already is, or in some of the areas in the Central Valley, Stockton, among Chicanos; that is, those who see the voucher system as a way of segregating different populations. You must explain to me how it is possible to further segregate populations which are totally segregated and under which there is no hope under the present structure of getting education in a diversified environment.

If we were to have a voucher school in Harlem, for example, at least some of these students would be accepted by developing schools that would have a mixture of students from a variety of backgrounds, and more important than this, these schools would have to meet their needs better than the existing public schools. At the present time they are captive audiences in what we know is often a hostile environment and there are simply no incentives to change that situation. There are no incentives in the existing public schools except for the good will of frustrated teachers and principal who are themselves bound by a system that they have very little control over to change that situation.

In such cases it seems to me very important that we experiment with a variety of approaches, including a voucher approach to see if this will enable us to break out of a pattern of failure, a very said failure that all the rhetoric and all the compensatory expenditure and all the new teacher training programs have not done anything in alleviating and I will ascribe this in large measure to lack of incentives at the very lowest level where the child is actually being educated, as well as the fact that so many decisions are made so high that even if an educational professional has sensitivity to what the requirements are, he does not have the ability or the mandate to carry out these wishes. He's not treated as a professional to say the least.

SENATOR BRADLEY: Mr. Chairman.

CHAIRMAN RODDA: Senator Bradley.

SENATOR BRADLEY: Doctor, you are a professor in the field of education at Stanford and I kind of like to take advantage of the opportunity to get your opinions. You mentioned Stockton and the segregation problem there in which you would have, I presume, all Chicano, I don't like that word, all Mexican-American schools, and you imply that the classes in those schools are not producing a comparable level of education, or the students in these classes are not getting a good education. I presume that's your implication, and the reason is because they are all Mexican-American students in one school.

DR. LEVIN: Well, I made the reference to Stockton in the context that we already have segregation in the school. Whatever the outcome of that segregation is, if our goal is to get education in socially heterogeneous environments, that particular situation could not get more segregated.

SENATOR BRADLEY: All right. Is it your conclusion as an educator in the field of education, that the students of schools in any area, whether it is Stockton or any other place, one ethnic group, are not getting as good an education because of the fact that there is no integration?

DR. LEVIN: That's a complex question. First, I do not believe that we cannot build quality educational units in a traditional sense in terms of reading scores and computational skills in a segregated environment. I believe that we could build black schools of excellence if we were only concerned with reading scores and computational skills. But there is the widely held view by many people that in the long run any social institution that segregates its clientele is not operating in the best public interest. That is, it is important for me and my children who are in the worst kind of white ghetto, so to speak, my children are attending school with other children of Stanford professors, that they get an education that reflects much more of the world in which they are going to have to live, other kinds of culture, other kinds of views, and so you see, in the broad sense I do believe that segregation in a segregated environment is inferior to that in an integrated environment, but not necessarily on the ground that other people may have suggested.

SENATOR BRADLEY: This raises a question. Coming back to the voucher situation, this thought has occurred to me, that if you were to take a given class of Mexican-American students in any California school and transport the same class to Mexico where you would have nothing but basically Mexicans being educated in schools, how do you solve all of this problem of ethnic problems, of segregation and integration when you have in the whole country of Mexico nothing but schools attended by nothing but the same group of Mexicans, and their relationship to education, and some of these other problems that you talk about? Why is the United States an exception? Why should it be any different, in other words?

DR. LEVIN: I think there is a very large difference between Mexican-American and a Mexican in Mexico. The kind of society he's going to have to deal with and the kind of skills he's going to need are those which relate to his culture. The Mexican-American, in order to get the kind of jobs, in order to get the kind of opportunities that we think of as the American dream or success, are not a function of what's happening in the outskirts of Mexico City, but are a function of what's happening in terms of our larger society, at Cal, at Stanford, and beyond, and it seems to me that these are the kinds of goals that you have to deal with.

SENATOR BRADLEY: You have to be pretty careful when you make that statement because you assume then that the Republic of Mexico is a backward country, and I don't think it necessarily is. Certainly it isn't in many areas.

DR. LEVIN: Well, I haven't said that, sir.

SENATOR BRADLEY: I know you haven't, but you are getting close to it.

DR. LEVIN: Educationally, it certainly is undeveloped. I will put myself on record there. The dropout rate is considerably higher than in the United States. I might add if you go to Haiti, you will find the dropout rate is even worse, and the proportion of children enrolled even at the first grade represents a very very tiny proportion, less than even ten per cent of the population, but I fail to see the relevance of this to the kind of situation we face in the United States.

SENATOR BRADLEY: Is that dropout rate in Mexico due to the fact that the classes are all made up of Mexican students? Would there be less dropout if you, by some system of bussing, were able to take other races down to Mexico to mix with their classes?

DR. LEVIN: No, in Mexico, as well as most Latin American countries, there simply isn't the capacity provided to take all the students at the various levels. Most of the schools --

SENATOR BRADLEY: Now, Doctor, you are begging the question there. I mean theoretically, how do you reconcile the fact that you can take the same class of Mexican-American students in an American school in California, and have the same class transported to Mexico where they would be in their own country or country of their origin, parental origin, and there would be no integration of any other races, and yet you as an educator assume that because that class exists in California it has problems when you don't explain why the same class in Mexico doesn't have problems.

DR. LEVIN: You see, you are making a lot of tacit assumptions which you are just running over so quickly -- in the first place, Mexican national income is a fraction of what it is in the United States. So, to prepare someone for competence in that society to be at the average, if you want to call it that, requires much less training than it does in the United States. Secondly, the hyphen is very important in Mexican-American, because the Mexican-American is an American. He is not a Mexican, and in that particular case, just as when rural blacks come up to the large cities, we want to prepare them for competence in the large urban society, not for picking cotton in the fields of rural Mississippi. So, I just fail to see the relevance of that. If the school is successful in rural Mississippi in teaching a child to pick cotton, I fail to see the relevance of that in terms of giving him competence to survive in a modern highly technological society in San Francisco.

SENATOR BRADLEY: The point is that it seems that you people, some educators at least, raise the assumption that because there is not an integrated class that they are getting less of an education, and I mean, as to the quality of education, whether it be for vocational training or academic training, and --

SENATOR MOSCONE: Mr. Chairman, could I make a comment?

DR. LEVIN: I have expressed my view and I don't know how to clarify it any further.

SENATOR MOSCONE: I am always intrigued by this. It seems to me we are beating a dead horse. I thought the doctrine of separate but equal was stricken down as being a mutually exclusive set of terms, that we are operating in America on the principle that that kind of education is necessarily inferior to one that calls for equality on the basis of an integrated educational society. Isn't that the law?

SENATOR BRADLEY: Mr. Chairman, the answer to that is, Senator Moscone would impose here the concept of a legalistic doctrine. I'm merely trying to raise the question from a purely educational point of view.

SENATOR MOSCONE: That's the point. The Supreme Court doesn't decide on the basis of a vague set of standards, but an analysis of what is in the best interests of America and its children.

CHAIRMAN RODDA: The audience will realize this is lawyer's hour we are entering now.

SENATOR BRADLEY: Now, Mr. Chairman, I'll bring it back to the point. I will ask Dr. Levin, how would you improve the situation then by the use of the voucher system and what would be the educational improvements that would follow?

DR. LEVIN: Well, in the first place, I believe when you do give people choices and they have sanctions, and the system has incentives to satisfy their needs, that the system is going to try to satisfy their needs, that you can make it worthwhile to groups, firms, schools who provide education to fulfill certain needs simply because they are going to be better off, those groups, either as to profits, to satisfying conditions where they want to maximize the number of children enrolled or whatever the maximization decision role is, that in fact --

SENATOR BRADLEY: On that point, Doctor, do you feel as Dr. Benson mentioned a little while ago and perhaps again I'll quote his statement here, he said in referring to parochial schools that learning of fundamentals seems to go along at a better rate and discipline is stronger. Is it your opinion that our public school system is being fairly criticized on that point?

DR. LEVIN: I think that for some children, yes, but I do think that that situation varies, too. He mentioned Montessori schools. It's my understanding that Montessori schools work very well for some children, but they don't work well for others. Some children need a great deal more structure, discipline. Other children need a freer environment and this, of course, seems to be the crux of what we are talking about here, that there is no one formula for educational excellence for all children, and the testimony to the failure of that approach is the very situation we are facing right now.

SENATOR BRADLEY: On the basis of your statement a moment ago, that you wouldn't be in favor of vouchers as an all out program for the state, but you do favor experimentation, in the course of your testimony I would appreciate it if you could bring your remarks around to the point of what you think would be the advantage of such an experimentation, what benefits would come out of it.

DR. LEVIN: Sure. That's a fair question. Let me just summarize that very quickly because I hate to give a long testimony, but in the first place we don't really have any kind of voucher experience to rely upon and this means that those people who have claimed advantages and disadvantages for the voucher approach are doing this mainly on the basis of drawing analogies with what appear to be similar experiences and so on.

Now, I have also done this, and in fact, the report I'm going to produce will not be based on experimental evidence as much as examining each of the areas, the kinds of information systems required to make good choices for parents, the kinds of regulation that are going to be required by the state and local government and so on.

On the advantaged side the claims are competition as opposed to monopoly, we'll get diversity, we will have incentives by the suppliers of education to fulfill different needs of different groups of children, that there will be experimentation because there will be pay-offs to success, something again which does not happen under monopoly, but does happen under a more competitive arrangement; that those suppliers or schools that are able to demonstrate an approach which pleases more parents, breakthroughs, to use Senator Rodda's term, are going to be those that will have greater demand for their particular goal and they will be emulated by other schools, and so you see, expansion in the direction of the good and away from the bad.

This would also be done in conjunction with an information system considerably different from the present lack of an information system, where most parents don't know what the alternatives are.

In my own work we are moving along the direction of even having community counseling services that work with the parent in selecting schools for their children and of requiring among those schools who participate in the experiment certain types of information simply as a condition for being eligible to receive the tuition vouchers, that this central information agency will have at its disposal when being confronted by parents in the schools.

As far as financing is concerned, we are going to have much more control over the financial input among different types of students. Again, I don't think I have to recall the testimony for SB 242, but at that time it appeared that it was impossible to find out really what was happening to dollars, federal, state or local dollars, going into Los Angeles City Schools, dollars spent on children of different social classes, racial groupings. The Los Angeles people themselves could not provide us with evidence of what was happening there, nor do they provide the Title 1 authorities in Washington with what was happening in the Title 1 dollars for these special programs. Here we will have vouchers going to particular schools. We can vary the vouchers according to the degree of educational disadvantage if we like, so we have that kind of flexibility in the experiment. We can see what schools are going to be doing with voucher children at different levels and with different kinds of clientele.

It seems to me that on the negative side there's the charge that first of all parents are going to make bad choices. The assumption is that somehow the rich who can already opt out of the public schools, and do in urban areas, can make good choices, but as soon as we extend this not even to the poor, but simply to the near rich, that somehow they are not as perceptive, they know very little about education, they are going to make poor choices. My evidence suggests that that's not reasonable, but more than this, choices must inevitably be bad when there is a lack of a good information system, information of alternatives, and as part of any voucher experience we would want to develop an information system that would yield the kind of data that parents need to make choices and perhaps the kind of assistance that would be available from a community counciling kind of arrangement in conjunction with this information.

The charge of segregation is a very serious one that bothers me a great deal and not only racial segregation, not just religious, but political. I don't want to see this society become more divisive. That's my personal opinion.

I don't think that good education takes place in a highly segregated environment again in this sense where you simply go to school with people with like minds and view the world in that manner. On the other hand, there are situations where segregation could not be worse, or is so severe that somehow we might find a way of breaking out of this and it would seem to me that in that case the voucher system works in the opposite direction.

SENATOR MOSCONE: Doctor, I have always been asked questions about what my view would be on a voucher system, and I have always responded by saying that that's too vague a question to pose to me because I would have to know the safeguards that were built within the voucher system, and I think they are easily inserted depending upon the will of the people proposing it, so I guess what you are saying is that you would believe that a voucher system could be at the very least not disadvantageous so long as there were adequate safeguards built within it to provide at a minimum and hopefully a maximum the demands that they meet both social and economic proper mixes. Is that correct?

DR. LEVIN: That's right. There are three interests here. Perhaps the most important is the public interest; and I consider the idea that the market works well, that is, an information system as well as no tendency towards further segregation as being a matter of the public interest that will require regulation, that will require a certain kind of information system in order to function and protect the public interest. Then, of course, there's the interest of the buyer. The information system is also important here, individual parents and children, and there is the interest of the seller, that he's going to be treated fairly, that he himself will know what the alternatives are, what the vouchers will be, and so on, and this is correct. I think it has to be planned very well. I might also add that I think the planning must proceed farther than this document that was probably brought into testimony yesterday, but I do think that it can be done.

May I add one more statement here in conclusion and that is the peripheral evidence that we looked at suggests certain advantages and disadvantages. I think an experiment can minimize the disadvantages before it begins, but the point is, that if it is supposed to lead to all these good things, and other people say, particularly the existing educational groups, it will lead to all these bad things, it seems to me that is the whole purpose of an experiment, and this is precisely why rather than just go back and forth on these particular issues we should run a well regulated and controlled experiment.

SENATOR MOSCONE: That's the key then, Mr. Chairman. There are those who take the view that because it would be a competitive enterprise that there would be no desire to restrict admission to the private entity, and I don't agree with that. I don't think that's the way we ought to experiment. My question to you is, don't you think that even on an experimental basis there ought to be statutory safeguards to assure us of a competitive mix that you seem to find desirable, and with which I agree?

DR. LEVIN: Yes, I agree that once having made a decision perhaps to go into an experimental direction here, that we do want to put in certain kinds of safeguards. In other words, we don't want to experiment with children's lives, so we want to minimize the probability of something going wrong that's going to hurt children. Of course, again, this is one of the advantages of picking an area where the schools are admittedly failing because it is very very difficult to do worse in most of these respects than the existing schools doing the experiment, and that becomes a safeguard in itself.

SENATOR BRADLEY: Mr. Chairman.

CHAIRMAN RODDA: Senator Bradley.

SENATOR BRADLEY: On this point, doctor, are you suggesting that this would mean the necessity of legislation imposed upon the private school, the parochial school?

SENATOR MOSCONE: Oh, I am, very much so.

DR. LEVIN: You ask his opinion and then ask mine, and we can contrast them.

SENATOR BRADLEY: Then, would you explain your reasons?

DR. LEVIN: I'm just referring now to the experiment per se and the eligibility requirements for schools themselves will be built into the experiment. This means, and perhaps that's an important point of clarification, that all of the so-called independent schools or private schools that exist and that might crop up, will not necessarily be eligible for the vouchers unless they fulfill certain kinds of requirements.

SENATOR MOSCONE: That's what I mean, that your eligibility for participation is based upon your compliance with these safeguards. That's exactly what I mean.

DR. LEVIN: That's right, and these, I would say, at this stage are yet to be determined. In other words, these depend upon the public interest in the State of California and perhaps on the local school district where the experiment might take place.

SENATOR BRADLEY: In other words, where the law now imposes upon public schools a presumption of required integration, you would have a presumption of integration on private schools, or imposition?

DR. LEVIN: In my personal view --

CHAIRMAN RODDA: If they want to be involved in the voucher.

DR. LEVIN: Yes.

SENATOR BRADLEY: This is going to take a lot of fun out of the voucher system.

CHAIRMAN RODDA: If you include all the controls that are necessary, the people now advocating the voucher system wouldn't want it.

DR. LEVIN: Yes, I think that there should be room for community controlled black schools or perhaps schools run by Chicanos, if they are so inclined in this direction for this reason, that the safeguards could be that they would not discriminate against persons who wanted to go to such schools, and quite admittedly it's not likely you are going to have a lot of white students who want to go to that sort of school run by a community corporation that's going to emphasize the particular cultural aspects of the black community, but I might add that it seems to me you are still building in the safeguard because you are not letting the sellers of service discriminate directly against students who do want to attend school in that kind of situation.

I might also add that where this has happened, where blacks have begun to run their own schools as in East Palo Alto, in your constituency, I guess, no, it's in San Mateo --

SENATOR BRADLEY: Just on the edge.

DR. LEVIN: The Nairobi preschool, day school and high school, the results have been very very exceptional and surprisingly in a very not separatist sense, but in a very middle class, students who were not succeeding in learning to read before, now are learning to read. Students who were not going to college have been motivated to finish up an academic curriculum and then go on to junior colleges and to colleges. So, it seems to me that we should allow this kind of experiment, the Nairobi kind of schools, and they do accept white students and students from other groups should be permissible. That's my personal opinion.

SENATOR BRADLEY: But you were talking about an area in East Palo Alto where you have an absolute control as to integration and it's the most segregated type of education. It's an all black community, and all black school system that they are setting up, which again, would sort of fly in the face of some of our other remarks.

DR. LEVIN: Well, you see, the alternative is an all black school system which the parents feel that they have no control over. Given the choice between an all black system in which they feel they have some control over the curriculum and what happens to their children as an alternative to one in which they feel they have no control over, they prefer the one they have control over.

SENATOR BRADLEY: You just said a moment ago that from your studies of this East Palo Alto situation you are finding that they are learning to read and that they are being motivated to go to college, so isn't this a case for the strictly segregated educational system?

DR. LEVIN: Well, apparently we are not communicating very well because I said I did not base my desire to see schools integrated, social institutions integrated on the achievement argument, and you seem to be harking back to that argument. I do believe that all black schools can be schools of excellence.

SENATOR BRADLEY: I'm trying to take what you said in the way of a statement of an area that I am quite familiar with, and I was surprised and not unhappy to hear you say that in this East Palo Alto situation where you do have a strictly segregated black school system that there is progress being made in education. Now, this is your observation, isn't it?

DR. LEVIN: It certainly is, and it is perfectly consistent with the statement I made before.

SENATOR BRADLEY: And this is your observation of what is taking place, and isn't this an important observation that perhaps there can be a successful educational program come out of a strictly segregated school system?

SENATOR HARMER: I don't think, Senator Bradley, anybody has ever denied that.

SENATOR BRADLEY: I'm not trying to badger him.

SENATOR HARMER: I understand that.

DR. LEVIN: But if you had asked that question before I even mentioned East Palo Alto, I would have said yes again and again and again.

SENATOR BRADLEY: Would this also apply to Stockton that we were referring to?

DR. LEVIN: No, instead of dealing with Stockton, because you immediately begin to talk about a situation with a given set of schools and teachers -- if you are saying is it possible for Mexican-Americans in Stockton to learn in schools that are Mexican-American, my answer would be yes. That doesn't mean though that I vindicate an all Mexican-American school because I believe there are other values one learns not measured on a reading test, that are very important and can only be learned in a more homogeneous environment.

SENATOR BRADLEY: Do you vindicate the East Palo Alto school, all black?

DR. LEVIN: Again, I live in a very practical world, I guess, unlike most academics, but when people are faced with alternatives, black schools with some control over the curriculum and the destiny of their children, and black schools without control, I would prefer if it is going to be black and segregated, that at least let me have control over my child's destiny.

SENATOR MOSCONE: That's a little short of saying that you get a better education in a segregated school, I guess.

CHAIRMAN RODDA: One question. In the voucher plan which would incorporate, as I understand your decision, the opportunity for parents to use a voucher either in a public school or in a private school as long as the private school in its program met the requirements of the law, or the voucher system. The question I want to ask then is, that's what I assume you have in mind, would you want the public schools to be subject to the same kinds of controls that the private schools are subject to if we could use from economics or business an input concept which means credentialing, length of school days, class size, tenure, et cetera, you would build into the public schools all those elements of the flexibility which we naturally assume exist in a private school, even though they qualify to come within the umbrella of the voucher system?

DR. LEVIN: I think my answer would be generally yes, because this may tell us more about how under competitive pressure public schools can adapt to keep their clientele. I would certainly find this an interesting outcome of a voucher experiment, yes.

SENATOR BRADLEY: Were you here yesterday, Dr. Levin?

DR. LEVIN: No, I wasn't.

SENATOR BRADLEY: There were questions raised yesterday by certain groups whose names I will omit at the moment, raising constitutional questions. There were also questions raised about the additional cost to the state based on the concept, and I raised this point this morning and I'm sure you heard this, of a possible increase in cost to the state of furnishing vouchers to say 500,000 students attending private or parochial schools. I assume you would generally agree that if they limited experimentation, as you are suggesting were to indicate a general acceptance of this concept state-wide, that there would be these financial and constitutional questions arise?

DR. LEVIN: Yes, sir, I'm assuming that not only would they arise, but they would be very serious, and my expectation from the experiment would be that the experiment may also tell us why a voucher approach might be useful and feasible as opposed to looking at it in the context of whether this is going to be a kind of state-wide basis for changing the schools. I see the segregation question being so serious, and I see that financial question, subsidizing children who are presently in private schools where the parents can afford them, as being a serious one at this time when we are trying to dig up much smaller amounts of money, and at this point I have never got ambitious enough in my own thought to think of this as a state-wide possibility.

CHAIRMAN RODDA: Thank you very much. We appreciate your testimony, and we will incorporate your material. Thank you.

DR. LEVIN: Thank you.

CHAIRMAN RODDA: We will now recess until two o'clock. At that time we will have Mr. McElligott make a presentation and then the witnesses that are scheduled for this afternoon.

(Thereupon the noon recess was taken.)

WEDNESDAY, JANUARY 13, 1971, 2:15 O'CLOCK, P.M.

---o0o---

CHAIRMAN RODDA: The committee will be in order and we will start the testimony this afternoon by hearing from Senator George Moscone, who will briefly explain legislation that was under consideration during the last session and possibly will be introduced for consideration during this session, and then subsequent to his presentation we will hear from Joseph P. McElligott, Jr.

SENATOR MOSCONE: Thank you. Mr. Chairman and members, the bill that was introduced last year, and there were two, 1201 and 1204, and I think we can really concern ourselves with the discussion that centered around 1204 in view of the fact that that goes to the heart of the issue in any event, which looks to the question that I think was assumed today to be the only necessary assumption that had to be made and that is if there is to be a voucher system, then certainly there has got to be a set of alternatives.

A voucher system has no relevance otherwise, and the basis upon which 1204 was introduced last year, and a form of it will be reintroduced this year, is the assumption that there will not be alternatives unless there is some recognition of the fiscal despair of what is known as the nonpublic sector, and I think I should tell you that the nonpublic adjective is not carefully phrased to eliminate the obvious concern about giving aid to parochial schools, but simply because the problem is not solely one that visits the parochial schools.

I think it is clear, however, that since they are in the abundance in the nonpublic sector, that the aid that we discuss concerns itself principally with the parochial school, and because it does that, it gets wrapped up into a religious issue which is never inconsiderable, believe me.

I think the next assumption is that should a matter of this kind pass the Legislature, be enacted into law by the Governor, that it stands to reason that there will be a court test of the question almost immediately upon its effective date, and that is because that while it is true that lawyers always differ, the issue itself is one that calls for differing constructions and notwithstanding the fact that almost identical bills have been construed by the U. S. Supreme Court to be nonviolative of the first amendment, in the Bill of Rights there is a serious question as to whether that same kind of approval would make it satisfactory according to a test of the California Constitution, which it may be said is probably the strictest in this sense of any of the 50 State Constitutions.

So, you will recall that we brought to you a great deal of legal research last year, both from the Legislative Counsel and from Dr. Louis Sell from Boalt University School of Law, and at best we can only say that you make a case for its probable or possible constitutionality.

The next question is the fact that as the bill appeared before you last year, as Chairman of the Senate Education Committee and member of the Education Committee, it differed in a great respect as it appeared before the Senate Finance Committee where it lost by a vote, if I recall correctly; and it differed in ways that I think, if I know the Chairman and the other remaining member of the committee here, would please you, and it did so in these fashions. It adjudged that any fiscal aid to be given to the nonpublic school that qualified, that is important, that qualified, on a sliding scale -- you will recall that when it came before you initially it was a flat subvention notwithstanding the particular economic status of the child who was to be recipient of this benefit, and we thought that not to be a terribly good idea for the very simple reason that there are some who did not need that kind of aid and others who needed a greater amount of aid, and that flat sum which was agreed upon, and I must admit somewhat arbitrarily, to be $125 based upon the basic aid premise. So, this year it will once again provide you with a sliding scale on the theory that if it is important to suggest to low economic people, whether they be the minority extraction or otherwise, but just people who do not have the economic means to make this kind of choice, that that will add to their ability to be able to make a proper selection given the theory that it's good to have competition among public school and private school systems, so I would hope that that would please you as being more rational on the question.

The other is that when the bill appeared before you, it provided the identical restrictions as appear in the law as it deals with public schools in terms of civil rights responsibilities, and you will recall that it was only eligible, this school, if it complied with the proper title of the Civil Rights Act of 1964.

Now, I happen to want to refute those somewhat irresponsible opponents of the bill who would suggest that this is a subterfuge for racism, in the white cloak of racism and the like, by saying that the bill as it appeared before the Senate Finance Committee even went further, and it was stipulated by all concerned parties who listened to the question that it made greater demands upon the non-public school than the public school, that it actually went to an aggressive way of inviting members of the minority community into the nonpublic school, and I will confess to you that that came to me at my request of one Dr. Nathaniel Colley, of your fine city, who I think has credentials that are unimpeachable on this question, and he drafted the amendments, and make no mistake, that I am not suggesting to you that he was therefore endorsing the proposal, but only that that he agreed was an outstanding safeguard should this be enacted into law.

The next question was one of proliferation which was suggested by members of this committee on the theory that if more schools came up, then the question of aid was really quite insignificant because they would still be spreading the money out so thin that the problem of closures would really not be solved. I'm not sure just yet what we will do on that question. We have these alternatives that an ineligible school will only be eligible if, among other things, it was in existence as of the date of the enactment of the bill; another alternative, if it was in existence as of 1965, which date was the date that we saw this tremendous acceleration of closure throughout the state, but in any event, we will take careful look at the question of proliferation and then, of course, we got into the question of credentialing and we are going to want to provide the Legislature with some assurance that the people who will be teaching at this nonpublic schools have the capability to do so.

We obviously will not be advocating that they have the identical demands upon them as the public school teachers because that will further aggravate the fiscal problem that we are trying to avert.

Now, I'm going to end, Mr. Chairman, by saying that, what is the public interest here? The public interest is, if we can convince a majority of the Legislature, that our failure to do this means that the nonpublic schools by and large must close, and we will, of course have to bring forth evidence to show you that that is in fact the case and it is not a temporary situation, and that as a result of those mass closures those young people must go somewhere, and that gives us the public school situation, and I think it's pretty clear that that is crowded and overcrowded in some situations, but certainly crowded at best, demanding the additional expenditures of public funds for their particular education, which, of course, goes to the local property taxpayers' shoulders, and the additional need to build many new facilities, some of which it is estimated by some people to be as low as a quarter of a million dollars and as high as half a million dollars. So, what prompts me to introduce the bill is the emergency situation which will eliminate, I think, an excessive cost to the taxpayers as well as a lower quality of education if there is but one singular set of educational avenues to follow.

That's longer than I intended to speak. That's the format we are going to bring to the Legislature and this committee this year.

Mr. McElligot knows the process well enough not to abuse the privilege and he will not spend that much time, but I think he can give you some very important statistics that you will want to verify, I'm sure, for later consideration. Thank you.

CHAIRMAN RODDA: I have only one comment. By introducing all of these amendments, you force me to evaluate the measure on the basis of philosophy.

SENATOR MOSCONE: Right. That's important, I think.

CHAIRMAN RODDA: I think we understand each other.

SENATOR MOSCONE: Right.

CHAIRMAN RODDA: Please proceed, and don't feel that you are imposing on this committee. I will stay here as long as the members will.

MR. McELLIGOTT: Gentlemen, I am Joseph P. McElligott, Director of the Division of Education of the California Catholic Conference. Our office represents the Catholic elementary and secondary schools of the nine Catholic diocese of California.

Now, in California we have 790 elementary and secondary schools, which are operated under Catholic auspices. These schools presently enroll 300,000 students.

Based on this year's average annual public school cost of $799 per pupil, these Catholic save California taxpayers over $240 million annually in the cost of instruction alone. But unfortunately we are experiencing a fiscal crisis which directly affects the survival of our schools and the continuation of this tax savings to the citizens of the state.

Just as in California's public schools, so in our Catholic schools, costs of education have risen sharply in the past ten years. We have also experienced a decline in the number of religious priests, brothers and nuns who are selecting the work of education as their apostolate, and therefore, it has become necessary for us to hire qualified lay teachers to carry on the instructional program in our schools. This means a great increase in the operational budget because we must compete on the open salary market.

We have sought out various ways to support the increased costs in our schools. Tuition has been raised to the maximum. Individual parishes have raised annual subsidies to their schools. However, we find that we have reached the point where parents cannot afford to pay more in tuition, and church donations are insufficient to support additional subsidies to the educational plans.

The result has been a drop in the enrollment of 57,000 students in the past six years, and the closure of 51 Catholic schools. These 57,000 students are now being educated at public expense in the public schools of the state. And, in the present school year the cost to the taxpayers for the education of these former Catholic school students in the public schools is over $45 million.

Now, to date most of the closures that we have made have in areas of the state where public school plans have been able to absorb students from the Catholic schools, but as the fiscal crisis mounts we will be forced regretfully to close schools in the major urban area where 75 per cent of our schools are located. To illustrate the disastrous effects such closures would have on an urban public school district, let me use the example of San Francisco Unified, a basic aid district receiving the minimum state apportionment of $125 per unit of ADA. The high nonpublic school enrollment of 28,600 students is one of the factors which results in this district being on the basic aid. If these students came into the public school system it would result in increased costs for both the state and the school district. At a minimum, the state would be required to provide basic aid for the increase in enrollment, and this would be over $3.5 million. However, the increase in enrollment would undoubtedly bring the school district into the equalization formula and the state would be required to pay a much higher unit rate for all students in grades K through 12 in the San Francisco Unified School District.

And, of course, there are the other problems related to the district's inability to provide housing for the increased kind of enrollment. The district is having problems in passing bond issues. The first bond issue of $45 million held on June 2 of 1970, failed by a substantial majority, and again, in November they had difficulties and it is still tied up in the courts where they failed to get the required two-thirds vote.

But should nonpublic schools close in San Francisco, the school district would have to provide housing for pupils by construction of new facilities or acquiring existing facilities and bringing them up to the Field Act standards.

Catholic school administrators are reluctant to close down operations in the urban areas and especially in the inner city. Our personnel are anxious to continue their dedicated service in poverty communities.

With evidence from standardized achievement tests, we point with pride to the quality of education provided in our inner city schools.

Now, an example of the competence, and quite often we are accused of taking the best able student in the inner city and excluding others. We want to show that this was not the case because people don't seem to believe us, and so this past summer we have an example of what we have done in the federally supported right to read pilot program that our Catholic school personnel conducted in San Francisco and in Los Angeles. Students who were at least one year below grade level in reading and math were recruited from the public schools of the inner city with the cooperation of the public school district. As measured by standardized tests, and four of them were administered, in a short five-week program in half-day sessions, these students showed over a semester's growth in reading and mathematics. The cost to the federal government for this service was only $77 per student. But despite our competence in inner city education, it is in our parochial inner city schools where we are faced with the greatest financial problems. Low income parents cannot afford increased tuition payments. Poor parishes cannot raise additional monies for more school subsidies, and the diocese with contributions from wealthier areas is hard pressed to make up the spiraling annual deficits incurred by these schools.

Now, during the last session of the Legislature Senator Moscone and Assemblyman Badham introduced bills which would have brought about some relief to parents of nonpublic school students and would have assured continued tax savings to California.

Speaking against Senator Moscone's bill professional organizations, notably the California Teachers' Association, objected to any state aid for nonpublic school students and charged that nonpublic schools were divisive institutions enrolling an insignificant number of minority group students.

It's difficult for us to understand this charge when racial and ethnic surveys of the last school year show that California's Catholic schools have a minority group enrollment of 25 per cent black, Spanish surnamed, American Indians, as compared to 24.5 per cent minority grouping enrollment in the public schools of the state.

Other opponents also talk about their perceptions of Catholic school policy regarding dismissal of students or expulsion of students. There's a definite policy in this.

An expulsion is only taken in those serious moral issues which would endanger the health and safety of other students. There's a series of four or five conferences held with parents, teachers, principals, and the only person who makes the final decision on an expulsion of a student is the Superintendent of the Diocesan School System.

In the last year we checked to see how many youngsters had been excluded from Catholic schools and we found that in the whole State of California last year our enrollment was up over 310,000 students. There were 11 cases of expulsion.

Other opponents to state aid for nonpublic school students argue that such aid is unconstitutional. California's explicit prohibition of appropriation of public money for the support of any sectarian or denominational school or any school not under the exclusive control of the officers of the public schools, does not preclude educational aides to children attending nonpublic schools. Indeed, under the paramount federal Constitution probably no state could do so, could so discriminate against children on religious grounds, for to do so would deny not only the free exercise of religion guaranteed by the first amendment, but also, the fourteenth amendment guarantee of equal protection of the laws, and you are familiar with Bowker versus Baker in 1946, which statutes permitted public transportation for students attending private and parochial schools, which was upheld by the California Supreme Court, and so we come to the position of the Catholic schools. Along with our colleagues, Protestant, Jewish, and other private schools and school systems, we urge the committee to consider methods for bringing about some state assistance to children for their secular education in nonpublic schools.

Now, a total voucher system is a way to assure the existence of alternative forms of education in California, and perhaps a voucher system could do much to improve the quality of education especially for the youngster of the inner city, but I wish to point out that a limited test of a voucher plan will do little to halt the increasing number of closures of Catholic schools in California.

Senator Moscone's tuition grant bill of the last legislative session would have provided approximately $125 to the parents of a child in a nonpublic school. This amount of aid would have assured the continuation of our Catholic school services to the State of California.

Because of the closure of 51 of our schools coupled with tuition hikes, 57,000 Catholic school students are now in the public schools where their education is costing the taxpayer nearly $50 million this year. It is interesting to note that Senator Moscone's bill of last year would have cost us $50 million. In the coming year we expect the trends of Catholic school closures to escalate with the resultant increase in cost to California taxpayers.

As a taxpayer, it seems to me prefereable to provide a minimal tuition grant for a child in a nonpublic school rather than to pay $800 a year for the same child who has to go into the public school.

Now, parents who send their youngsters to our schools are angry because the state denies them a share of their tax dollars. In many communities there is widespread talk of enrolling all parochial school children in public schools in September and then withdrawing them a few months later. We are reluctant to encourage such steps because it is not good for children, but I believe that the time has come when the state should no longer punish children whose parents exercise their constitutional rights by sending them to a nonpublic school.

By denying educational assistance to a child, the state effectively thwarts many parents in their exercise of free choice. It would seem that in California the very association of a child with a sectarian institution is deemed sufficient to deny him any state money for his secular education. Sometimes when we view the present state system of financing education, it would seem that there is no such thing as religious liberty in California education. There is only liberty to be unreligious.

Here today in Sacramento this committee has an opportunity to consider methods for correcting injustices of the past and for assuring the continuation of pluralistic educational opportunities for all citizens, not just for the wealthy.

We appreciate this invitation to be with you today, and in our commitment, traditional commitment to serving California communities, which goes back to the first schools of California in the Califormia missions, we pledge to you our total cooperation in seeking a solution to California's school fiscal problem. We find ourselves part of the problem and we hope that we can contribute to its solution.

CHAIRMAN RODDA: Any questions?

SENATOR MOSCONE: I think the committee along the line will want to be knowing, not only the ethnic status as you have put it by percentages of the children who do attend at the present time the nonpublic schools, but also, if you have these figures today or are prepared to get them for the future, the rough economic figures of the parents of those children because it will be time, I think, and high time to get rid of the charge, not only as you have already done with the ethnic balance problem, but also, the economic balance problem as well. The next thing that will be critically important is to tell the committee that which they know, but which people concerned in audiences of this type will be concerned to know, the basic mandatory demand made upon the nonpublic school today to comply with California's laws on education; and I think lastly also be prepared to be discussing solutions to questions about any further control that the state might want to extract or compel over the nonpublic schools that they presently do not enjoy. If you can address yourself to any of those now --

MR. McELLIGOTT: I can't answer the first two, Senator. Without doubt, it's in the office, but I will reply to the last question regarding the kind of controls. We have discussed this among ourselves and with the representatives of other nonpublic schools in the state, and the kind of controls that we look to and would look to very optimistically would be some type of a testing system. It seems to me that if the state were to provide even a minimal type of support for the secular education of a youngster in a nonpublic school, that the state would want to be assured that this was a wise investment of the tax dollar, and so we feel the best kind of control would be some type of testing program.

Now, also, our schools are accredited, our secondary schools are accredited in the Western Association of Schools and Colleges, and we would anticipate here perhaps coming up with a system whereby the elementary schools could also be involved in a similar kind of accreditation program which might go into this testing situation. We think that's probably the best way of assuring performance.

SENATOR MOSCONE: All right, then the last that must be made clear, Mr. Chairman, if I may, is the very foundation which justifies the insertion of the bill after so many years, and that will be more than just gratuitous statements of closures and gratuitous statements of the number of children who are involved and gratuitous statements of the number of children who then go into the public schools, but as much unimpeachable evidence of those conclusions as you can muster.

MR. McELLIGOTT: We have most of this broken down up until the last school year.

SENATOR MOSCONE: I think the last thing would be to take the last five years and compare the number of people who left the nonpublic schools with the number that left in the next five years to show that this is a realistic appraisal of what the trend is today. That will be important to the committee.

CHAIRMAN RODDA: Thank you. Why do parents send their children to sectarian schools?

MR. McELLIGOTT: I think there's many reasons, and you will find as many reasons, I guess, as you have parents who have their youngsters in nonpublic schools. I think they believe in the quality of education that is offered by that school, not that parochial schools are better per se than public schools, but I think perhaps in an individual community, and I think this is especially true in the inner city communities, that the parochial school does provide a quality of education that the youngster does not receive in the neighboring school for one reason or another.

I think other people are concerned with the value system for their youngsters and they exercise their rights in selecting a system that has a value to it. I think these basically are the two reasons. I think there's a lot of tradition in families in sending their youngsters to a sectarian school.

CHAIRMAN RODDA: What kind of a value system?

MR. McELLIGOTT: I'm thinking here of religious instruction that would go on for a period of a day.

CHAIRMAN RODDA: Is it your understanding that providing public funds to certain private schools including sectarian owned and operated schools would only support secular education?

MR. McELLIGOTT: Yes, this is our extreme concern. We are not interested in any kind of state aid directly to our institutions and we are not interested in state aid to support sectarian teachings or any, you know, religious instruction.

CHAIRMAN RODDA: How do you separate secular education from religious instruction?

MR. McELLIGOTT: I think it is fairly easy in most school days to separate this. You would find in your reading, mathematics programs, and the like, that there would be no religious instruction going on.

CHAIRMAN RODDA: We had some interesting testimony on that subject yesterday. You heard, it, I'm sure. Are there any other questions? Thank you very much. I'm not going to press this. You know there are a lot of other issues I would like to raise. Thank you for your patience. We do appreciate your patience in waiting and your input.

Now, we go next to Mike Dillon. I think you merely wanted to --

MR. HAYWARD: Mike left. He was just going to submit his testimony in the record.

CHAIRMAN RODDA: All right, that will be the order. We will go next to Larry Sibelman, Vice President of the California Federation of Teachers and Executive President of the United Teachers of Los Angeles.

MR. SIBELMAN: Mr. Chairman and members of the committee, I am Larry Sibelman, Vice President of the California Federation of Teachers and Executive Vice President of the United Teachers of Los Angeles. I am here representing both organizations.

Our testimony on proposals to introduce the voucher system will be the same as presented to the Assembly Committee on Education. Our position has not changed. The essence of our position is that a voucher system, even an experimental program, conflicts with the basic philosophical foundations of public education. These foundations include the basic axioms that public education be free, compulsory, universal, nondiscriminatory, and controlled by agents of the public.

The California Federation of Teachers nor the United Teachers of Los Angeles can fairly be described as blind supporters of status quo, but in this instance we foresee programs which are inimical to the very survival of the public schools.

The concept of a voucher system has now been embraced by a variety of different interests. Community controlled advocates are interested because they feel the voucher system might supplant the present public school through their curricular scheme fulfilling unmet ethnic and/or racial aspirations.

Parochial school people are interested because the voucher system would provide access to public funding enabling an expansion of parochial education now limited by lack of funds.

Private school people of various educational philosophies are interested because the voucher system would enable parents to shift children from public schools in search of more effective and "accountable" education and because increased profits may be derived from expansion and creation of more facilities.

Unless the system were operated under stringent regulations, it is easy to envision proliferation of schools designed to meet specific provincial concepts of education. Public school systems already hard pressed for funds would find themselves in a competitive market and it is predictable that ultimately the public school population in a given area would be divided among several schools, each designed to appeal to certain portions of the parent population, each competing for a clientele, and each embarking on a public relations program utilizing the same advertising techniques now used to sell soap and cigarettes.

Without stringent regulations of the voucher system, you would hand over public money without public control, yet the introduction of regulations, and government by public agency leads us full circle back to a public school system which we already have. And the question in that regard is, would the parochial and private school managers really want this, really want public government which they would have to have if they were getting public money.

SENATOR MOSCONE: May I ask a question? What do you envision as the kind of control, which is in your words the most basic aspect of public education?

MR. SIBELMAN: All right, as the social problems of any given period of time develop, the public institutions respond to those social problems. I don't need to, you know, run down the list, but just point out the question of segregated schools just as an example. The private school is able to do what it chooses.

SENATOR MOSCONE: All right. Mr. Chairman, can we take these -- we ought to meet these if we can. If you were convinced that any qualifying school, nonpublic school, had within it, in order to qualify, demands equal to if not greater than those placed upon the public school system, would that not control the question of segregation with you?

MR. SIBELMAN: Well, in the area of segregation, yes.

SENATOR MOSCONE: Okeh. On the question of proliferation, if the only school qualifying were one that were in existence at the time of the enactment of the legislation, that would necessarily eliminate proliferation?

MR. SIBELMAN: No, because there is the next legislative year and the one after that, so you have the foot in the door, and the proliferation that proceeds from there, is to me anyhow an obvious ultimate end. I'll give you an example.

SENATOR MOSCONE: Look, I have been here four years and I have heard the foot in the door, but with all due respect to you in terms of that year, given that the same arguments against proliferation would exist in each succeeding legislature, the question of proliferation at least with respect to that hypothetical piece of legislation is solved.

MR. SIBELMAN: Well, I'm not discussing this in terms of a specific piece of legislation, so I can't really respond to that, but I must answer in this way -- please just let me try. We now have sectarian institutions that educate children, and they were initially designed because the people who designed them did not want the children to go to a public school, or because perhaps they even predated public schools in some instances, but there's a sectarian aspect to the sectarian school. Now, there are other secular groups who have gone very very little into the development of schools, but if the voucher system were opened up, certainly there would then be a tremendous push for a proliferation from ethnic groups, racial groups, political groups and so on, and I go into this later on in the discussion, because the opportunity is available. Once the voucher system is opened up, why not start a school to meet particular provincial sectarian needs as an interest group might see them. And if there was legislation in the way which said, well, no, you can't do that, we have to only deal with those schools that were in existence, then, as I say, the process, political process, would be ongoing from there. This is my point.

SENATOR MOSCONE: All right. The only thing I'm concerned about is twofold, one is to legitimately and in good faith meet the objections that are justifiably made with respect to this kind of an innovative proposal and that's why I took the liberty of interrupting. So, if you understand what I am saying, that I am trying to find out really answers to questions, I'm not cross-examining you to repudiate, but to try to get some answers to questions so that they might be inserted in legislation.

MR. SIBELMAN: Senator Moscone, I would have to ask, I don't want a debate, I much prefer to proceed with this, but I must ask this question, would it not flow logically that were the Legislature to establish some form of voucher system which was restrictive in terms of proliferation, that immediately there would be attempts made to remove the restrictions by interest groups that now would have a specific interest because of the $800, $900, or $1,000 per child that might be put into a voucher system?

SENATOR MOSCONE: Well, the only difficulty I have with that proposal is that many law enforcement officers told me that the moment I carried a bill to lower the penalty for marijuana from a felony to a misdeamor, that the next thing I would be doing would be legalizing it.

MR. SIBELMAN: All right, let me go on. The most basic aspect of public education is its control by the public. Public schools are one of the essentials in a democratic society, and they have been the single institution through which children are enculturated into the American society. Granted there are many improvements needed, indeed, it is for this very purpose that well meaning people are seizing on something like the voucher system. However, by analogy this scheme which, in my estimation, portends the disruption of the very institution that it's supposed to be salvaging, is simply no answer, and several analogies might apply. We might have vouchers for choice of fire departments, police departments, armies, parks, roads, sewers, hospitals, and every other conceivable social service now provided by government. It's not unreasonable to conceive of an ultimate situation.

CHAIRMAN RODDA: Can I interrupt? Are you saying I might have a voucher to join a private golf club? I'm sorry, go ahead.

MR. SIBELMAN: Yes. As a matter of fact, there's an instance in Los Angeles where this very thing happened. There was a private golf course, the Knoll Wood Country Club, and it was not succeeding financially. And so the Knoll Wood Country Club was sold to the County of Los Angeles. The County of Los Angeles now operates Knoll Wood Country Club, and now there's pressure to expend a great deal of money improving the ninth hole because they don't like the way the rough is over there. It's not unreasonable to conceive of an ultimate situation in which the entire student population is fragmented along racial, religious, social, ethnic, political, sexual and/or any combination of all these lines.

SENATOR MOSCONE: The question of combination would be all right, wouldn't it?

MR. SIBELMAN: It depends on the combination. The result would be educational anarchy leading to social chaos. The public schools would probably remain as an institution for the incarceration of students so unacceptable that even profit-motivated schools would be forced to refuse them and the public schools would in effect become educational city dumps. They are not far from that now. But there may be other answers.

The claim that public schools fail children because they are public is nonsensical. The failures of the public schools are in large part due to financial starvation, and there's no evidence that parochial schools or private schools operating under the same financial restrictions are able to do a better job. As a matter of public record, it is clear then in many times and places public schools have been extremely productive. Taking any body of contemporary Americans, one finds that the vast preponderant majority were educated in the public schools and the general result is the most productive society in the history of man.

If there are discernible failings on the part of the American population, they come more as a result of the aims and objectives of the public schools than their incapacity to carry out their function of educating the people. At the same time there is no question that the public schools are not meeting the needs of large numbers of the minority people, especially but not exclusively in the large urban centers of the nation. The proper function of the interested parties is to redirect the ancient objectives of the schools and to provide the wherewithal for the schools to do their job, and no amount of squirming off the hook is going to do any good. It is going to take serious reappraisal of the programs and a serious restructuring of the financial base of the existing public school systems before effective change takes place, and I would like to point out because it hasn't been said here but there are six or seven things that must be done in the public schools now if we are going to make improvements, and Senator Rodda mentioned one this morning, class size.

How can we say the quality of the public schools is no good when we really haven't given them a chance. We need to reduce class size. We need to enrich the curriculum. We need to have specialized teachers. We need a research development program that is well funded by the Legislature or wherever the funding is going to come from. We need in-service education. We have none in Los Angeles now, none whatever in the school district.

We need improved libraries and instructional materials and we need to check salaries and working conditions so we get good people in the schools. If we do those things, perhaps we won't have the cry that we have now about the public schools.

Now, literally billions of dollars have been invested in public school plants and facilities around the nation, and the American people have long recognized the benefits of the public education system. The pattern of public education developed in the United States has been a model for the development of public schools throughout the world. Public schools are responsible for one of the highest literacy rates in the world. Huge numbers of immigrants and their children were brought into the main stream of American life through participation in the public school system.

If this same system has failed the black and brown minorities, and I believe that it has, it's the utilization of the system which needs analysis, not necessarily the system itself.

Within the framework of a capitalistic economy it has long been recognized that certain social services need to be provided by government, and it has also been established that government regulation, licensing and standards are necessary even within the private sector of the economy to insure some form of equitable service to the public.

While there have always been private and parochial schools, the growth of the public school system has always been an integral part of society's commitment to the education of the entire population. It was obvious at its inception and it is still obvious today that if the entire population of young people is to receive universal education such education must be compulsory, free and public. A voucher system which contributes to the growth of private schools and which appeals to the individual parents on the basis of narrow personal interests leads in the direction of the dissolution of the public school system and the establishment of a fragmented school setup.

The people have a need and a right to a form of public education wherein the government, through the agencies for education, plays a direct role in the enculturation of the young. It is folly for any society to subsidize private efforts aimed at establishing a system of education which promotes lines of societal disunity.

The plural nature of American society patently demands that schools provide a meeting ground on which young people come into working contact with others of divergent origins.

The entire case for the voucher system rests in its appeal to those who wish to establish schools for the purpose of promoting the divergencies inherent in the population. The role of the public schools should be the reduction of those diversities through contact.

SENATOR MOSCONE: Pardon me, this is one of the finest presentations I have had thus far on a matter of this kind, if you will excuse an exception I am going to insert at this point, I have yet to see anybody explain to me how that statement is valid in view of the statistics that were read to us awhile ago and in view of the absolute insistence upon this author or proposed author that the statutory demands on these schools be greater than the demands that are placed upon the public schools. What I am really saying to you is this, that if the entire case, and I use your word, for the voucher system, and I presume you are talking about the legislation in which I have some interest, which isn't called a voucher system, rests in its appeal to those who wish to establish schools for the purpose of promoting the inherent divergencies, and I assume that's a nice word for saying divided ethnic schools, then I think you are flying in the face of my intent, the statute, and the statistics.

MR. SIBELMAN: Senator Moscone, I must say that my basic framework for this attack on the voucher system comes from my understanding of Christopher Jenks' proposal and those proposals that have emanated from the OEO, and that system which has been projected. I am not familiar with your bill and I am not referring specifically to any particular bill at this given moment, but there is in California and nation-wide, and we are very well aware of it, any move in the direction which grew out of the integration efforts in the south to establish a system of education that would enable people in fact to evade --

SENATOR MOSCONE: That's exactly my point. The only thing, and I know you wish to perform a service, not a disservice, the point I wish to make is that I think it will be critically important for the Legislature and the public, which pays close attention to its actions, to understand that there may be those who propose systems of this kind for the principal purpose of having a black school and a white school and a yellow school and a brown school, but I would hope along the line that there will also be some understanding that there will be proposals that are not intended for that purpose, can avoid that, but still in your view may be objectionable on other grounds. That's all I ask.

MR. SIBELMAN: Absolutely, and there are. I listened very carefully to the last presentation and I had a million arguments, but I'll let that pass. I'm not referring to that. If the Legislature in its wisdom wishes to support parochial schools in the State of California, that's another argument. This voucher thing is, in our estimate, an attack on the basic public institution, the public schools of the state, and as I say, it is a nationwide thing, and that's why I am here. I am not referring to your legislation.

SENATOR MOSCONE: The statement was made today, "Oh, you think there ought to be safeguards. That takes all the fun out of it." Well, that means that there are some who have different viewpoints and goals. That does not mean that there aren't those with proper viewpoints and goals.

MR. SIBELMAN: Well, the question is why have public schools at all if we are going to place them in competition with privately established schools and encourage the proliferation of those private schools by giving them public money? There can only be one interpretation of such actions. They constitute a move to disassemble the public schools and turn over education to private interests, be they corporate, religious, ethnic, political or social or otherwise. Such a purpose can only be rejected by public school teachers and should be rejected by all those who view society from any perspective other than narrow provincialism.

The answers to the problems of a public school lie in providing well funded, integrated educational programs which meet the needs of the diverse school populations in large urban school districts. It's going to take militant teachers and active aware parents and community groups working together to bring about a change in the status quo attitude of the educational hierarchy, and increased government support for public education at all levels.

Of particular importance is a much greater financial involvement by the federal government because this is the only means by which even a modicum of equal educational opportunity can be provided nation-wide.

CHAIRMAN RODDA: Can I ask a question? May we stipulate in the record that the educational hierarchy includes teachers?

MR. SIBELMAN: Yes.

CHAIRMAN RODDA: Okeh.

MR. SIBELMAN: They are at the bottom rung of the ladder, but they are there.

CHAIRMAN RODDA: They are pretty important.

MR. SIBELMAN: I think so. The attempt to bring public education into the market place creating a competitive free enterprise system may have surface appeal, but a brief examination of the societal problems created by the application of similar principles in the economy reveal that there is plenty of reason to doubt a positive outcome, and let me digress and just refer to six quick points: Monopoly practices, oil spills, industrial pollution, urban sprawl, shoddy production, hazardous toys, and I could go on and on and on, the results of the free enterprise competitive market place system in the economy.

And so I ask some questions: Shall we turn education over to corporate enterprises which have avariciously exploited and depleted our resources with no eye to the future; shall we turn education over to corporate Boards of Directors who are still reluctant to consider the terrible blights they have created on the ecological landscape; shall we turn our children over to self-motivated or profit-motivated business managers who have a long record of sacrificing human values to the almighty dollar; shall we allow a fragmentation of the school population leaving the establishment of educational values to the vagaries of persons whose basic motivation is maybe at complete odds with the well-being of society.

As surely as there is an immense need of making public education more responsive to the needs of society and the children, just as surely there is little hope that the voucher system offers a positive answer. Thank you very much.

CHAIRMAN RODDA: Any questions? Thank you very much.

MR. SIBELMAN: Senator Rodda, there is one point you made this morning that I would like to comment on. I made a note about it. You were discussing with Dr. Levin the question of the quality of the public schools as they stand and the potential in a voucher system for improving this in an experimental program, and you mentioned class size, and I was sitting there just waiting for an opportunity to say that a sharp reduction in class size in the public schools would create such a qualitative change that we really have no way of ascertaining or knowing how good the public schools really can be.

I taught in New Zealand for a time where there's a maximum class size of 25, and they have no reading problems in that country. They all know how to read. And I would say that there's where we should make the start.

SENATOR MOSCONE: If 300,000 students who are not now in the public schools go into the public schools, is that in aid of or in opposition to a move to lower class sizes?

MR. SIBELMAN: Well, if you build the buildings and you put the money into the schools so that you can do what you need to do -- if we had no parochial schools, then we would not have a problem, and there are societies that do not, and on the other hand, there are societies where all the schools are parochial, and this question involves a much broader question and that is whether the public, the community, the powers that be, really want to support education. If they were really in full support of education, the parochial schools might not be in the position that they are in at this point. You know, there's one other aspect to it, the parents who now have children in parochial schools, I don't know what the statistics are, but I would suggest to you that they tend to vote against tax increases and against bond increases. If those children were in the public schools, the chances are that those parents would have a firmer commitment to public education and, therefore, would vote for higher taxes and would support foundations and so on. So, it may be that in communities where there are a lot of children in parochial schools the public schools are having difficulty because they are not supported by people who send their children to parochial schools.

CHAIRMAN RODDA: Could I ask you a question? I mentioned San Rafael school, a private school, and I was interested in the news story, I may not have all the facts, but I was interested because they use this school as an example of the success of the McGuffey reader in teaching reading. Now, do you think the McGuffey reader is the solution to the problem, or are some of these other factors which came out as I read into the article more fully may be more significant, class size of 15, complete control of discipline, so there is no disruption can occur, otherwise the student is expelled; a $900 per unit of ADA as the foundation program in an elementary school; and a class composition which practically excludes ethnic minorities, and representative white middle class Caucasian or white middle class youth. Which of those do you think is most important, the McGuffey reader?

MR. SIBELMAN: That's a leading question.

CHAIRMAN RODDA: I never ask any other. I'm too stupid.

MR. SIBELMAN: The United Nations did a reading survey study all over the world in 50 countries and they investigated the reading methodology that was used in all these countries and they came up with a very interesting conclusion to a 500-page document which was, given reasonable conditions any group of well intentioned adults have about the same effectiveness in teaching kids how to read, given reasonable conditions, that is, whether they use a McGuffey reader or some other, or whether they were phonetic in their approach or conceptual in their approach, and so on and so on. I found it one of the most interesting studies I have ever read and what it indicates is that if the child and the teacher can get close together, and you can't do it with 35 kids in the classroom, then you can teach the kid, and if they can't, then you can't teach them.

CHAIRMAN RODDA: Thank you very much.

MR. SIBELMAN: Thank you.

CHAIRMAN RODDA: Robert Stahl.

MR. STAHL: Mr. Chairman and members of the committee, I am Robert Stahl of the California Teachers' Association. I operate out of Burlingame and I am here today to talk about performance contracting, the California Teachers' Association point of view on it, and at the present moment we have not solidified our position.

However, we are providing input data to our committees and we expect that we will have some sort of official position in April at our State Council of Education meeting. However, at the present moment there are some interesting experiments that are in operation.

One of our local associations, namely the Stockton Teachers' Association, is a subcontractor in the OEO experiment called "Incentive Contracting". Incentive contracting, performance contracting, curriculum contracting, contract curriculum, whatever term you are using, all of these things are sort of synonymous.

Just a little bit of history, performance contracting apparently is not new. In Ontario, Canada, from 1876 to

1882 there was a system of payment for results, and the school finance, in fact, was paid to that province in Canada on the basis of results. However, experience by results in Ontario proved it is possible to raise standards quickly if the criterion is defined as mastery of prescribed content, but there was a storm of protest in Ontario against the sacrifice of all other educational values for the attainment of this end. Therefore, in 1883 payment by result was abandoned in the province of Canada.

We also had some experiments in the United States in 1819 in Georgia which was also abandoned, and even in the Soviet Union there have been some experiments with performance contracting, and they were also abandoned.

But, nevertheless, this does not mean that contract curriculum or performance contracting cannot have some limited benefits, and the results of the experiment are yet to come in. Maybe I should define the parameters of performance contracting, the features. It's usually an authority that contracts for specific results from a given outlet of money. That seems to be one of the characteristics. Also, in the present mode there are penalties and bonuses for guarantees. The contractor, the subcontractor may or may not be a private company. It doesn't necessarily have to be restricted to private enterprise. It could take place within the school district itself. There may be a turn-key phase and by that I mean if a private contractor comes in after working there one or two years and the operation has proven or not proven, he may at that point turn it over entirely to the school system.

There may be a heavy use of technology, individualization, nongradedness, incentive systems, whatever. All of these things can be, or some of these things can be part and parcel of performance contracting.

Now, the present experiment that's going on in Stockton, and this is my observation of that experiment, for the most part only one criteria is being used there, and an achievement test score, and that's being used to determine student performance. Now, any of us in the business who work with children in their formal education setting knows that there are many other, literally hundreds of other variabilities and characteristics, and that if performance contracts, as they are now being constructed, tend to remain dead center on achievement scores, there will be a tendency to resist dealing with other areas of human variability and characteristics.

In fact, some of the things we hear coming from the education community is that there perhaps is too much emphasis on standardized test scores and not enough emphasis on the feeling or the emotional part of the curriculum.

Performance contracting is only one tool and should not be an exclusive tool for teaching skills. It appears to apply to reading and mathematics best, and most of the direction of the current trend is aimed at the elementary school, is aimed for the most part at ghetto areas in the United States, where about 20 per cent of the students estimated by Ralph Tyler seem to need a better deal than having skills taught to them. If teachers are going to be held accountable, if we go into this experiment more deeply, if they are to be held accountable for the results of students, they should have direct negotiations in the formulation of the performance contract and evaluation at the same time, either with the funding agency, the federal government, in this case the Office of Economic Opportunity, since they seem to have most of the funds, the contractor, the school district, or as a partner with the subcontractor, so that I would envision here perhaps on local option some of our local associations may decide, and I know some of them are in conversation at the present time with private corporations, to see if they can mutually come up with a kind of contract that both of them could live with on the professional end of the spectrum, and here again, restricted to the skills area, namely, elementary reading and mathematics.

Now, performance contracts represent management by objectives. Of course, the movement towards a planning program budgeting system in this state is also a movement towards management by objectives. Many activities in education define management by objectives because many learnings lie dormant in the individual and control over the source of learning is virtually impossible.

I know yesterday in listening to testimony, some of you were discussing the impact of outside influences so that the impact of those outside influences, if we are to get a correct accountability score, would have to be taken into consideration. There are no evaluation measures currently that would be able to do such a thing, although UCLA is at the present time trying to develop some new evaluation measures which will more broadly encompass what's going on in school districts, rather than to depend on a very narrow range achievement score. Contacts in time should assimilate a broader scope of evaluation instruments to be used as measuring devices of student results. This will require significant studies to be made of contracts in force with student populations. It will also mean that contract writers should be in direct contact with people developing old and new valuation systems. Testing companies are selling standard devices but over time more than standard testing devices should be assimilated into the contract.

The turn-key phase of performance contracting is necessary unless it is the desire of the funding agency to undermine public schools as an institution. This turn-key phase, I would like to emphasize again, I think is extremely important. One of the things that public schools have suffered from is the fact that they were designed to go on forevermore as a kind of perpetual institution. The way they are organized they cannot respond very quickly.

One of the things that private enterprise has had in their organizational structure is the ability to respond quickly. By 1980 it is estimated that perhaps four to six billion dollars will be spent on educational research. Most of these dollars will be spent by universities, but for the most part probably with private contractors, people who are doing think tank activities. With the turn-key phase of performance contracting it is possible to inject into public school systems some of these developed activities that have gone through the think tank stage. Performance contracts should not be used primarily as a device to market educational products and services from private entrepreneurs and performance contracts should not be used as a device to negate the earned or legal rights of teachers.

Now, there is also in the statement, and I'm not going to bother to read it, a similar statement with some additions from the National Educational Association. Their Executive Committee has taken a position on performance contracting, and that statement is there.

Also, at the beginning of this statement are some observations of the contract itself in Stockton and some of the things wrong with it, not that those things could not be corrected, but, for example, when we take just one, significant gains, according to private contractors, and this is what we are worried about with performance contracting, unfair competition, significant gains according to private contractors on standardized achievement tests occur in the first three months of the school year. The pre-test in this case, in this contract, was given after approximately two-thirds of that time had passed. Therefore, it will be difficult to make large gains on standardized tests.

Now, they gave it two months after the school opened up. With these contracts that are currently going on around the country, the funding ranges from $243,751 to $444,632, averaging approximately $300,000 for private contractors in incentive contracting through the Office of Economic Opportunity at the present moment. The Stockton Teachers' Association, one of two, Mesa, Arizona, is the other, and there are no others throughout the United States, has a total of $55,146 in their main contract ,and to the subcontractor, namely, the Stockton Teachers' Association, $29,929. So, what we are doing in a sense is starting out with one group, 15 of them as a matter of fact, with an average of $300,000 funding to the subcontractors, and to the Stockton Teachers' Association an average of $30,000. This we would look upon as unfair competition, and the only reason we are concerned about that really, the teachers there are very happy that they can engage in an experiment and they are willing to put their necks on the line, so to speak, to see what results they can get, but what we are worried about is that in the summer of 1971 the Office of Economic Opportunity will come out with a report indicating that this group does better than that group and we can almost predict in advance that these other groups should do better because of the kind of funding that's there.

Not only that, but --

CHAIRMAN RODDA: Are the programs comparable in terms of goals and objectives and also in terms of numbers of students involved, or is the disparity because one program is considerably smaller in scope?

MR. STAHL: The programs are comparable. I think they all have 600 students and that's also in here. They all involve 600 students from grades 1, 2 and 3, and grades 7, 8 and 9, so they are comparable in terms of number of students that are in the program.

CHAIRMAN RODDA: Are the objectives more limited in the one being conducted by the teachers?

MR. STAHL: Yes. The private contractor is to test the effective teaching methods, technology and monetary incentives; in other words, they come in with a structured systematic program already predesigned and they are coming in with a mix of machines, with a mix of materials, and with a mix of personnel, some emphasizing machines more, some emphasizing paraprofessionals more, some emphasizing program materials more, and all of them emphasizing one way or another some sort of incentive, payment,reward of some kind.

CHAIRMAN RODDA: Why inolve a contract of that kind with this other type contract, the contract with the teachers, and then the contract with the private enterprise? It appears to me they are so different.

MR. STAHL: They are different. Within the OEO contract in Stockton, they are to operate under the conditions under which they formerly operated; in other words, under the status quo conditions. There was no preplanned time, they simply jumped in and did the thing they were doing before. Now, that would be okeh except that it would be an unfair comparison in the summer of 1971 if there weren't any conditions stated in the report that this one was operating on the status quo condition and this one was operating on the preplan, predesigned conditions.

CHAIRMAN RODDA: So, the status quo operators simply have a larger input of money?

MR. STAHL: No, the status quo have a smaller input of money.

CHAIRMAN RODDA: A larger input than they had before.

MR. STAHL: Yes, and that's one of the things that induced them to go into it. There was the opportunity of getting approximately $30,000 more.

CHAIRMAN RODDA: So, you are comparing enrichment of relatively conventional teaching, instructional activities, with what might be done with a sizable input of money and other kinds of equipment and instruction?

MR. STAHL: This is what we think will happen come the summer of 1971 when the reports come out.

CHAIRMAN RODDA: Any questions, Senator Bradley?

SENATOR BRADLEY: Well, in just reading the witness' statement here, it seems like your association is taking an extremely defensive position in regard to experimentation. Looking on page 6 here you list nine qualifying conditions that I assume that the CTA proposes in regard to any future experimentation, and some are really shocking.

MR. STAHL: Which ones, Senator?

SENATOR BRADLEY: Well, on the last page, subsection 7, contract must be limited to genuinely innovative approaches that are neither likely nor possible within the school's program.

MR. STAHL: This one you are reading is the NEA position. This is not currently our position. We are still arriving at our position. I simply put in the NEA position for you there. There are two things, page 6 and page 7, the bottom of page 6 and page 7, is the NEA Executive Committee position at the present moment. We are still jelling our position so we have no official position on performance contracting at the present time. These are my observations.

This is some input which will go to the committees who are working at this. They may reject all of this, they may incorporate some of it.

SENATOR BRADLEY: On page 6 at the top of the page it says beginning with the word "currently", it says "currently the Curriculum Instruction Committee of the CTA State Council of Education is working on a policy statement for presentation to the state council in April 1971".

MR. STAHL: That is correct.

SENATOR BRADLEY: "This statement will probably include some of the above points and not be very different from the policy position taken by the National Education Executive Committee on December 5, 1970", and then you list these nine points, so I would assume that they are pretty closely connected.

MR. STAHL: I expect they may take a similar position, but I have no way of knowing that because knowing some of those people on the committee, they may just decide to go off in a different direction.

SENATOR BRADLEY: Why does CTA take such a protective and critical position? At the very beginning here you talk about the unequals, gross unequals on page 2, between the Stockton Teachers' Association as a subcontractor and the others. If I understand what they are doing here, aren't they in effect saying to the Stockton school system that as a part of this experimentation we want you to operate as you would normally operate under your teaching process, and then we'll compare this to these firms' proposals and the result, so that what they are trying to get is as much of a comparison between what might be the results as a result of the use of the Westinghouse project plan, for example, and the regular teaching process and results now being employed by the Stockton School District?

MR. STAHL: What we would have preferred rather than comparing two dissimilar projects, maybe not completely apples and oranges, two projects, one run by the private contractor and one run by the school district, starting the race equally. That would have been preferable because then we would really have a better comparison than -- you can practically predict in advance here that the one that's better funded, the one that had a lot of planning time, a lot of R and D work going into its system, you could almost predict, especially the testing conditions done in a much better way, it's bound to turn out better.

SENATOR BRADLEY: How many years would you say has been the planning time for the accepted mode of operation of our public school systems? Certainly the Stockton Unified School District is probably an average school district and they've got years and years of planning and operation procedure back of them and arriving at the present system that they are using to educate our children. You can't say that they are going into it cold.

MR. STAHL: No, they are not going into it cold because the one thing that they do have is a great deal of experience and sensitivity to children. All teachers have this and this is a distinct advantage that they have over the private contractor, the use of experience and his sensitivity to kids and where they are, but the thing that they do not have is the funding or the people and the talent to develop these systems for management by objectives in these particular skill areas such that they, for instance, Project Plan Westinghouse, Westinghouse is the contractor in Fresno, and I think Mr. Booth was scheduled to testify here and he could tell you more about it. Now, project plan is not the contract in Fresno, but on that particular contract somewhere around $7 million was spent developing that particular reading plan. They have other plans and they have developed a sophisticated systematic way of going about this, giving them great experience in mixes of materials, equipment and machines and personnel in such an experimental way that school districts cannot do now because they do not have those capabilities. Now, I'm saying that's fine just as long as we understand it.

SENATOR BRADLEY: The results of the experimentation will not be based upon the technical equipment that was used, it will be based upon the improvement in what the students have learned and this will be determined by tests.

MR. STAHL: Yes, standardized tests.

SENATOR BRADLEY: So I don't see what difference it makes whether you use a seven or eight million dollar Westinghouse project plant -- sure there has to be money spent to set up plant procedure, but the results is what we are interested in.

MR. STAHL: Well, it makes a great deal of difference, Senator, in knowing what the right mix is so that you can come out with those results, and this is one of the things that we don't know and currently the Rand Corporation is trying to find out, what the effective components are in a program, and some initial work is being done in these directions. My only point is that most of this kind of think tank activity is being done on the outside of the schools rather than the inside of the schools. So that some of this ought to be going on in school districts if we are to have some fair comparisons between projects. However, if we understand that the projects are very dissimilar, that is quite all right, too. It is just that when the summer of 1971 comes, if the results are not favorable, and I'm just calling attention to this now as kind of a caution to say that I said it now rather than in the summer of 1971.

SENATOR BRADLEY: I'm strongly impressed by that. It's right here.

CHAIRMAN RODDA: Anything more?

MR. STAHL: No, except that this business of contract by curriculum, if teachers are involved, and I can say that some of the associations that I know are speculating on this and getting involved, and we already have one association that is involved, will have some limited use perhaps, and some of the private contractors I have talked to think that perhaps this may be a five to seven-year phase, and then maybe this will drop out of the picture as it gets turn-keyed into school districts.

CHAIRMAN RODDA: Is the expectation that if the teachers are involved in this kind of contracting arrangement, say with the board, that as improvement is indicated through measurement and valuation of achievement in terms of stated objectives and goals, that the teachers will be rewarded?

MR. STAHL: Yes, I think --

CHAIRMAN RODDA: It would be an attempt to put into effect in an objective way a merit system of pay?

MR. STAHL: Some people are looking upon it as a merit system of pay. Others are looking upon it as an incentive of above and beyond the minimum pay level, and in the case of the current Stockton contract, they are using most of that incentive money to buy rewards and materials for the children in that district and that's currently how they are looking at it, taking them out to places where they could not take them before and so they seem to be quite happy with what they are doing.

CHAIRMAN RODDA: They can go on doing this afterwards?

MR. STAHL: Apparently.

CHAIRMAN RODDA: Any other questions? Thank you very much. We appreciate your coming today. I am sorry you had to wait so long.

SENATOR BRADLEY: Mr. Stahl, I came in late. There is nothing really about your presentation here, as I read it, that is related to the voucher system.

MR. STAHL: We testified yesterday on vouchers, and this is a two part performance. This came in on performance contracts.

CHAIRMAN RODDA: We have Mr. Holland and C. L. James, and then there is a gentleman in the audience, Mr. Cortner, I believe, who wanted to speak extemporaneously for a few minutes, and those will be the three witnesses, and I would like to finish this within a reasonable period of time, say a quarter after four.

MR. HOLLAND: I can do that quite well. It was quite difficult for me to sit quietly in the audience while the last gentleman spoke. Educational Solutions, Incorporated, was founded by Dr. Gattegno, who is a world educator. I am also an educator. Everyone in the organization is an educator. We have no incentives material in our program. Our incentive is that the child learns and when they see that they are learning, this is their incentive. We do have a penalty clause, if you want to call it that, or a no charge clause. If the child does not increase one and one-half years in one year of reading, the school district pays us nothing. There's a reduced charge, that for 1.6 to 2.0, it's $100. The regular charge, from 2.1 to 2.5 years of increase in reading, is $200, and then, for each additional year past that there's a bonus of $30. There's a maximum cost put on the contract for 500 students it would be $100,000.

Our feeling about the performance contract is that this isn't the great part of it, although it is, we feel, a different challenge than other contractors have put forth. In our proposal we are asking teachers to change in how they work with children. We have two weeks of intensive training with the teachers prior to going into the project which is called "Words in Color". During that we furnish all of the materials to the school district which remain the property of the school district, and we had a consultant on site all year every day, either to work with the students, work with the teachers, or work after school with the teachers. We have found that in our work in New York in the PS 133 that at one time it was a so-called closed school.

Three years ago they asked us to come in and work with their primary children. We did this. There was an immediate change in the attitude of the child because they knew what they were doing. They saw the English language as it really is. It's a foolish language. It has many

many things that are foolish about it, and I have personally seen teachers trying to teach it in a way that it doesn't make sense to children, and I think this is why we are not having success in reading. We are presenting it in such a way that it will make sense to children.

The second year at 1133 they asked us to work all of the school. We did that, and also, when we go into a school, we train the teachers. The teachers remain in control of their classroom. We don't bring a bunch of stuff, a bunch of gadgets, a bunch of personnel. The teacher is the one that does the job. All we are doing is asking her to change her approach in how she works with children or he works with children.

CHAIRMAN RODDA: May I ask a question?

MR. HOLLAND: Yes, go right ahead, sir.

CHAIRMAN RODDA: Is your program based upon a different view of teaching methodology or a different view of the learning process or a combination of both?

MR. HOLLAND: A combination of both, I would say. Dr. Gattegno knows that if a child has learned to walk and if a child has learned to talk in such a way that he can communicate with others, he has done something that is much more highly intellectual than learning how to read. If he can do this, reading is a simple process, and evidently we have been approaching it in the wrong way. He proposes a way that is quite clear and children see it straightaway. We have a project going right now in Oakland. I would invite any of you on the committee to come down and see it. Dr. Gattegno will be out here next week working in the school in reading and mathematics, and I think you would find it very interesting to see the enthusiasm there in relation to reading.

CHAIRMAN RODDA: Have you compensated for the possibility of the Hawthorne effect?

MR. HOLLAND: I don't understand.

CHAIRMAN RODDA: It's an educational term that means that if you introduce an experimental program of some kind into a situation, those that are involved, knowing that they are in an experimental program, tend to be better motivated which produces results which are not a consequence of the inherent characteristics of the program, but rather the fact that it is experimental and innovative and that subsequently when an attempt is made to universalize or standardize or generalize, the Hawthorne effect disappears and the results are no longer substantive.

MR. HOLLAND: There may be some of this in it, but I think the teachers see where they have been of disservice to children, and that they see the enthusiasm of the children the year after and the year after that, and they don't necessarily have to use the process, but if they change their way of teaching in working with, not teaching -- you teach things, I teach my dog to do tricks. Children learn and I think if we look at it this way, that a child has a vast amount of knowledge with them prior to coming to school, and we work on that, then we are going to be successful.

CHAIRMAN RODDA: I didn't mean to interrupt you. Proceed.

MR. HOLLAND: That's fine, I don't mind. And we work with the teachers, we work with aides, we train the aides, we train parents, we involve the whole school community when we work with the school. It's not just an isolated group that we work with. I was asked by Dr. Gattegno to join him.

I had been trying to do words in color and to let other people know about the words in color and the philosophy of Dr. Gattegno and teach also, and I found that I couldn't do both, and I feel so strongly about this that I agreed to join him and see if more people would see as he sees.

And, the material that I have given you, if you sometime can take time to look it over, I would appreciate it.

CHAIRMAN RODDA: I'm taking mine home tonight to read it.

MR. HOLLAND: If you could make it to Oakland, that would be quite interesting to you.

CHAIRMAN RODDA: Would you leave that information with the Consultant?

MR. HOLLAND: It is Lowell Junior High School in Oakland. We also have another contract in Boston and the Tour 1 complex in New York City.

CHAIRMAN RODDA: You heard the previous witness?

MR. HOLLAND: Yes, I did.

CHAIRMAN RODDA: Speak about the turn-key concept. It would appear to me that your program embodies this as a basic principle of operation.

MR. HOLLAND: Right.

CHAIRMAN RODDA: That you would introduce it into the schools and then it would become an ongoing part in the construction program and would be a turn-key effect.

MR. HOLLAND: Once they see the way to work with children they have no need for us, and it would be foolish to have us around and keep paying us. There's no need because they can do their own training and their own teaching.

CHAIRMAN RODDA: You might work yourself out of a market.

MR. HOLLAND: Well, if that change is the way that people work with children, that's fine.

CHAIRMAN RODDA: You should address yourself then to the problem of drugs.

MR. HOLLAND: Yes, well, that's -- the problem of alcohol was something --

CHAIRMAN RODDA: I mean drugs.

MR. HOLLAND: Years ago it was alcohol, now it is drugs, and I don't know how to solve this, and I don't know what will be done.

CHAIRMAN RODDA: Once you work yourself out of a reading problem, work yourself into the use of drugs.

Thank you very much. Senator Bradley.

SENATOR BRADLEY: Do you use phonetics?

MR. HOLLAND: Well, you can call it that if you wish, if you feel comfortable in calling it that. What you have in front of you is --

SENATOR BRADLEY: I don't feel very comfortable about it, I'm asking you.

MR. HOLLAND: No, we don't. What you have in front of you is a panoramic view of the English language as it is and not as we teach it. Do you see, we teach the ABC's in school now and we have for many many years, and it is a detriment to the child that's trying to read because we say, all right, you know how "cake" begins, it starts with a "c", so the child must intellectually decipher "c", and "cake", and come up with something that's logical, and it is a disservice that we are doing to the children.

The top part are the vowels, and the bottom part are the things that we call the consonants, and they have no sound at all, none whatever, unless they are linked with something up above. You can't isolate them. Unless they are linked, then they have no sound, and a word has no meaning unless it is linked with another word. I can say a word and it would mean something to me, but it might not mean the same to you, and so we must work at this. It's the same with calling this three-legged one "m". Calling it "m", it doesn't say "m", unless you link it up with something up above that has the beginning sound that you hear -- well, you link the blue one and the orange one and you have "m", but this would be getting into words and color and I'm not here for that. I would love to explain that.

SENATOR BRADLEY: My point is that is offered on the basis of a performance contract proposal?

MR. HOLLAND: Yes.

SENATOR BRADLEY: And this has been tested in other states, has it, as well?

MR. HOLLAND: In Boston and in New York.

SENATOR BRADLEY: And you have one going now in Oakland?

MR. HOLLAND: In Oakland, yes.

SENATOR BRADLEY: How long has this one in Oakland been going on?

MR. HOLLAND: They were a bit slow in getting going, and it started in October.

SENATOR BRADLEY: And there is one school involved?

MR. HOLLAND: Yes, one school, the seventh and eighth grades, 400 students.

SENATOR BRADLEY: And they are using this colored card chart. What grades are involved?

MR. HOLLAND: Seventh and eighth.

SENATOR BRADLEY: For the beginning of this?

MR. HOLLAND: Well, they were having difficulties in reading.

CHAIRMAN RODDA: My daughter in the eighth grade was teaching a child that couldn't read. She didn't know how to teach reading, so I had to admit, and the school didn't have a remedial reading program, and I had to admit this child was lost as far as the institution was concerned.

MR. HOLLAND: Well, there was a school district on the peninsula that approached us with a problem. They had 40 twelfth grade students that couldn't speak English. They were from the Azores and from South America, and evidently there's a law now that high school students must pass some proficiency test to graduate. And so they approached us with the problem and we said that in 100 hours we could teach them to read, write and speak English, and it can be done.

SENATOR BRADLEY: One hundred hours?

MR. HOLLAND: One month of intensified instruction. If a school district has a problem, then it must look at the problem. Either they want to get the children reading so that they can do their math, their science and everything else, or they let it linger on over years.

SENATOR BRADLEY: Did anybody ever explain what these 40 students were doing in California without some understanding of English?

MR. HOLLAND: Well, that isn't our problem, sir. I didn't ask them.

SENATOR BRADLEY: I thought maybe somebody had mentioned it to you.

CHAIRMAN RODDA: It has been going on for several decades or more. There is no way of dealing with the problem.

MR. HOLLAND: There is a way of dealing with it. I know there is, but school districts are slow in moving on these.

CHAIRMAN RODDA: Well, maybe Senator Bradley would like to join me and go down and visit this week. Thank you very much. I appreciate your quiet manner and your sincerity and we certainly will look deeply into the proposal that you have made. Thank you.

MR. HOLLAND: I did forget one thing, if you want to see more of the reading program, NBC-TV from September until now has been showing words in color in Cleveland and in New York on Saturday mornings instead of commercials, and they have agreed to cut out eight minutes of commercial time to do this. They see the merit in it, and starting January 23 it will be nation-wide, teaching children how to read on the TV Saturday morning. So, it may present a problem to the schools.

CHAIRMAN RODDA: Thank you. All right, is Mr. James here? Can you summarize your program, Mr. James?

MR. JAMES: Yes. Mr. Chairman and members, I have a license agreement now in use in public and private schools. I also have a contract as a consultant under some programs.

I have one in Riverside unified school district under Title 1, as an outside consultant in which I present materials and train teachers myself or through other publishers. I am also a Director of the Association of California School Districts, who have generally supported this license idea and SPA, self-pronouncing alphabet. Now, the problems that I envision here in education in California no longer will be failure problems that we have been dealing with from what I have heard here in the last couple of days. As I say, we are going to be having success problems. We are already having that kind of problem.

I will make some remarks about the program and then I'm sure it will bring to mind questions on your part. The contract is made directly with the school district and we have in paragraph 9, I will just deal with that to shorten up my explanation, paragraph 9 is a guarantee and I'll read that because I think it's very important:

> "The licensor hereby guarantees that the SPA system is a proven method and will provide significant results in the teaching of reading if properly administered and used. If, within one month after the beginning of the term herein, the licensee does not feel that the SPA system is beneficial and the licensee does not wish to continue said system, the licensee may cancel this license agreement, return

all the materials to the licensor, and thereupon be refunded the minimum fees paid to the licensor hereunder pursuant to paragraph 3(b). Upon doing so, the licensee agrees to totally and fully discontinue using any part of the SPA system or related materials in the licensee's classrooms."

This generally tells the success, I think, in one paragraph. This is now in approximately 60 school districts, excuse me, 60 schools in California, private and public. We train the teachers by workshops in one week. I train teachers myself when I administer the contract in one workshop of two hours.

The material can be an amount equal to from $5 up to $1200, these contracts have run so far. Now, I would divert here to Title 5, ESEA reading project using the self-pronouncing alphabet in Orange County in 1970. This is a federal project, of course, in the institutionalized schools there by Dr. Peterson, Superintendent of Schools of Orange County. The State Department of Education was responsible for encouraging that particular test or project. The total funding for the Title 5 project was $15,000. It says that Mr. James trained the teachers in a matter of a few hours, Mr. James finished two mimeographed sheets, one consisting of the SPA alphabet and another with a guide. This represents, gentlemen, two cents in actual money for each sheet. SPA, after 40 days over a two-month period, eight weeks, SPA was recommended over the ITA and other materials to be used in word analysis deficiencies in the schools.

The time spent in the class was 20 to 30 minutes per day with these young men, junior high school age, and a total of 40 days. The ITA system in comparison took weeks of in-service training and 55-minute classes four to five times a day for ten weeks rather than eight weeks. SPA was recommended. The taxpayers can look forward to some great great savings. This is a new concept. We train the teachers. They are thrilled after first becoming acquainted with the general idea. It is workable at the high school level. It is now in the Indio Desert Sands School District. Within one hour's time, I had the 45 members of the continuation school reading. They all stayed 25 minutes over the time the bell rang. The administrator asked if they wanted to leave, and they said no, and he asked if they wanted to take a break and come back, and they did. They agreed that they learned to read in thathour for the first time, they had a new insight.

In another test in Beaumont by the University of California, Dr. Bayloe. This was a test for the kindergarten and third grade and lasted only 30 days, and SPA was the big winner in that. The experimental class with SPA had double the word growth in discrimination over the control groups, and SPA won five out of seven categories. There again, in both classes over a period of 35 days the amount of material used was $1.50 including chalk and paper.

SPA is in several private schools with fantastic results. I have them here to present. This program has been presented to the State School Board in October by the Beaumont Springs School District, which was in its second year at the Raymond Cree Junior High School where the teacher said she would never go back to the regular method of teaching phonetics. It was presented by the Christian schools in Beaumont, the Brethren Elementary School, where they are using the Stanford Achievement Test in kindergarten, and the average was near second grade work of achievement in all things, reading, writing, spelling and whatever they teach at second grade level.

In Dr. Bayloe's report in the Beaumont School, he attempted to use, and said so in his report, that he could not use the Stanford Achievement Test for the pretest. This was in December after school started in September a year ago, and they were not capable of using that test, so they resulted to a different test.

The Baymonte Schools had the same results, second grade work average in kindergarten using the Stanford Achievement tests.

It's in the Riverside prefirst grade, that is called junior first, and these are children who were not ready for first grade last year so they put them this year in a special class in SPA where I have a contract now with them.

One week before Christmas the principal said, "They are all reading out of hard covered books", and these are children of mixed races. It makes no difference. We have success at all levels.

For the mentally retarded schools with students of teenagers up to 30 years of age who have never read before in their life, with 40, 50 or 60 IQ, reading in six weeks.

We have individuals -- my son teaches, anyone can teach, it's so simple, and every day after school my son has a waiting list of students and on Saturdays. He teaches children to read in ten lessons, sometimes twelve, that are of different colors, four years of age, not ready for school, actually understanding the total concept of reading with SPA, self-pronouncing alphabet.

George Bernard Shaw called for that many times, that we must have a symbol for every sound, and the symbol for every sound is good, but we have had many alphabets in the meantime including ITA that have a symbol for every sound, but not compatible. We have to go back and do it the right way and this is very confusing.

CHAIRMAN RODDA: In other words, this is compatible with the regular alphabet?

MR. JAMES: Yes, absolutely.

CHAIRMAN RODDA: Because in those instances where they use a modified alphabet, then you have a reversing process, word recognition is different, spelling is different.

MR. JAMES: Right.

CHAIRMAN RODDA: You avoid that?

MR. JAMES: We teach children to read the regular letters, the words now in news print, in books, and I might say three years ago, this is in its third year now, at the Brethren Elementary School in Cherry Valley in the Beaumont area, that these children the first two or three days were reading, actually knew the game. We call it a game and we carry it on as a game and they want to learn. They ask to learn. They want to play it at recess time. It's unbelievable that we have something worked out so simple, but it is. But those children there are reading out of the Bible, King James version, before the public, and they have been on television several times, and have the audience give the teacher any word they think of. It works in any language that we use.

CHAIRMAN RODDA: Do you have any way of testing the understanding along with word pronunciation?

MR. JAMES: Yes, sir, our tests are on everything, word growth and comprehension. What we do primarily, and why we are so successful, is that we teach a child, however small, head start age, preschool, nursery school, kindergarten, we teach them their own vocabulary. They all have one and it's great. We show them how to read with the understanding they now have and the conversation they can now deal with, and then we grow from there. So, we have the first day sometimes of kindergarten they learn to read and write "dad" because they learn just the "albatross" A and the "dinosaur" D, and we have it in a game form. We teach a whole class at one time. We can teach larger and larger classes. Small class size is not important. I have gone into a first grade after SPA has been in kindergarten and I have seen the teacher at her desk reading and doing some work, the whole day's assignment on the blackboard, and they were going about their work, their unit work, reading, writing, spelling, whatever. We have almost 100 per cent spellers because they have to deal with every letter. They know if it's an "ape" A or an "albatross" A, whether it is a centipede c or a caterpillar c. It's all fun. We have jingles and tunes and they are on tape casettes. We are just developing materials. I'm not, and do not plan to personally publish materials as they have in some other systems, but they are now being published by other publishers and it's available to all publishers. I'm now doing a dictionary for Grosset and Dunlap for kindergarten, a dictionary with 50 to 60 thousand words for kindergarteners. We abandoned the idea of using a controlled word list because children are out of that in this society of 1970. They know before they go to any school astronauts, helicopter, automobile, a great many big words. We ask our children in kindergarten and in first grade, what do you like, big words or little words, and they say "big ones".

It's fun. Each word is a self-discovery, and we have found a perfect key symbol for every sound by utilizing the current 26-letter alphabet. We discovered there are only 26 basic sounds, but we have 36 characters in the SPA system because of duplications. We have three duplications in the caterpillar C and the kangaroo K and the quail Q, so we have "kuh", "kuh", "kuh", right there, so it is one basic sound. The mentally retarded children are learning to read and the parents are deliriously happy because they have found hope for the first time. They know how to read. It will work with the blind, with the deaf, and we're planning on introducing all these areas. It offers an opportunity to some day, as the population grows and it doubles, as they say in 25 years, to have several times as many names as we now have by basing it on the di-critical mark built in these letters. Your name right now, I didn't know at first whether it was Rōdda or Rŏdda, but if I saw it the first time with the Octopus O, I would know it was Rodda the first time, and would make sure that the A on the end was an albatross A, rather than an ape A. The simplest little word can be pronounced four or five times because each letter can be long, short or silent. We do not use any terms now used in any dictionary whether it is "consonants", or "vowels", or "diphthong", or "diagraphs", all the rules, exceptions to the rules, we do not mention one of those terms. We have double letters and single letters and that is all, and we teach them nearly, I can't say 100 per cent, but nearly a 100 per cent phonetic system, but we are also whole words, because we go right to the whole word and we save the taxpayers buying, school districts buying all the workbooks clear up to the high school based on word structure. In the Palm Springs School District we used SRA, we took out the word structure and used their stories and instituted the SPA, so it teams up with any material. It's compatible with any system actually by teaching them to read first, so the dictionary itself will be somewhat of a teaching machine when it is on the market. The President of Grosset and Dunlap is the man in charge of it and he is coming out next week to finalize this, and we have working on it for a year, so this will be available to everyone. We are planning a typewriter with IBM in it, so this is here to stay, and it's in all the schools I mentioned and more by virtue of the fact that a teacher or a teacher's aide or a parent was the cause of getting it in the school. It's a grass roots idea. It's going from the bottom up. It's in several states. In each case they came to me. They heard about it because it was on television, and I am an individual. I don't have any sales force. I don't spend five cents for advertising. I'm not in that kind of business. I'm just making this alphabet, this key available, and I gave a copy to Mr. Hayward. You can look it over for yourselves, and I know your time. I don't want to take any more time because I don't want to go over, but this is the most thrilling thing that has ever happened in education and the teachers are so happy because we never fail a child in any classroom at any level, and that's why I have a contract. I said 30 days. I gave myself three weeks extra.

CHAIRMAN RODDA: Thank you very much. If there are no questions, I think I'll follow up on this personally.

MR. JAMES: I gave a letter telling of some demonstrations that will be made here in this area at one to four at the North Highlands School and this is the first of several plans by the California Association of School Districts throughout the state, so I welcome you to come. Thank you for giving me this opportunity.

SENATOR BRADLEY: I might say, Mr. Chairman, that he also has a letter here from the Association of California School Districts, formerly the California Small Districts Association, and Mrs. Marguerite McLean and we are familiar with Mrs. McLean. She is a very well respected advocate for education in this state, and I say that this letter of recommendation alone is quite a boost for your case.

MR. JAMES: Thank you. I will say one more thing, that the California Association of Christian Schools has written a letter just like that, but probably more so, saying that "our endorsement specifically means that we are actively promoting the self-pronouncing alphabet in our 200 schools", and they are working on that now and some of their people are here if you wish to talk to them afterwards. Thank you again for this opportunity.

CHAIRMAN RODDA: Thank you for staying over so that you could present your testimony. I do appreciate it.

MR. JAMES: My pleasure.

CHAIRMAN RODDA: Now, the last gentleman wishes to speak briefly. You are not on the list of witnesses to appear, Ken Cortner from Stockton. Could you summarize your remarks briefly because we are running over? We were supposed to adjourn at 12.

MR. CORTNER: I'll be very brief. I appreciate this opportunity to appear before you, Senator and your committee. My name is Ken Cortner from Stockton, and I did not come prepared to speak at all, so what I have to say is from a few notes I made in the last few minutes and I hope that while I didn't hear the testimony that was presented to you yesterday, and I think that this may be something a little different than you have heard before, but actually I wear two hats.

I am a constituent supporting parochial school in the City of Stockton, and when I say "parochial", I am not speaking of the Catholic school system. There are a great meny of our people who feel the word "parochial" means Catholic, which, of course, is not so. It's any school system, and I, of course, am a cheerful, almost cheerful, payer of my taxes for the public school system as well. I am sold on the public school system for the public, and I believe that the choice then of christians who want to send their children, or others who want to send their children to a particular school where a type of education that you don't get in the public schools, should be available to them.

I have three children or have had three children attending church school. I sent them because we believe in prayer, we believe in worship in God in the school, and we believe in the moral climate and the discipline and the regulations that they have in the church school atmosphere that may not be had in the public school system.

My own education, a portion of it was in public school and a portion of it was in a nonpublic school. I'm not an educator and I really have no qualifications for appearing here. Although I am on a church high school board, I don't speak as a member of that board or for my denomination.

The other hat that I wear is because of my interest in religious liberty. I accepted the position on the local level with Americans United for Separation of Church and State because I feel that we are living in a climate where our liberties are being threatened. We are seeing in many states of the nation, and, of course, we have had a number of bills come before us in California up to this time, and

I understand that there will be more, and so I do have a great interest in this.

What I have to say in opposition to the Catholic bid for tax funds to operate their school system is with every consideration and kindness. I think that the Catholic school system in America has gained their stature in a climate of separation of church and state. I think this climate has been good for them. This has been done with the nonuse of public funds, and I'm unable to understand the desire by the Catholic hierarchy to hamstring their program, for it would certainly seem that much control would be lost in accepting public funds, whether this is by the voucher system or any other gimmick that would take public funds.

I don't believe that there is any great changes at this time in the situation that we have known in the past. We have had experiences historically, ups and down in the economy, that have made it hard to operate a private school system, but I am pointing out to you that not all church school systems are making these same demands.

I suppose that the school system in which I am interested and to which I send my children, is maybe second only to the Catholic church as far as scope is concerned. It might be third, I don't know exactly, but, of course, if you were to look at the number of enrollments it would be way down because the Catholic school system is so large.

The tuition level in our high school in Lodi, which is our high school nearby, has a tuition of $750 for a year's schooling. The Catholic schools in the Stockton area and the Lodi area up until last year, I understand from the reports in the papers, the tuition level was about $200 per student, and this was raised to $435, which is still considerably less than the tuition level in our high school, a comparable program.

Our churches have subsidies beyond this $750 per student and they are heavy subsidies and we struggle to pay them, but we are paying them and we feel that we ought to continue to do so and not use public funds. This past year in the constituency area of our high school every member has been canvassed where every family was asked to contribute to the construction of a new school because our high school in Lodi was old and dilapidated and needed replacing, and in order for us to maintain accreditation it was necessary for us to rebuild. And every member has been canvassed in the past three years in the time of trouble with our economy and of inflation, and we have raised three-quarters of a million dollars. We have rebuilt our new plant and it's virtually paid for.

From the testimony I heard here today it seems logical for us to think that if the voucher system or any other sort of thing were to go through, there would be strings attached to it and there would be government control, and we heard some testimony here in that regard today from people even who spoke in favor of this thing, and it seems as though they are willing to accept this. But I would suggest to this committee and to the Legislators in California that this program would open a whole new can of worms.

You have to think of public funds, what would happen to prayer and all of the other things that we would continue to want to have in our church school programs. I must suggest that this wealthiest of all churches in America, the Catholic church, and I have many friends who are fine Catholics, and I admire these people, but no one knows how wealthy they are, there is no accounting to the public, there is possibly no accounting to the members, but it seems that they are just apparently unwilling to use the tremendous assets that they have within this nation and within this state to continue to support their school system as they have in the past.

There seems to be a refusal to allocate funds on the basis of hardship, but it's hard to understand this hardship considering the wealth of this church.

Now, of course, this is certainly their prerogative, to withhold these funds and to press the public for public funds, but apparently religious liberty is not deemed of as great importance to them as usurping the tax funds, and I use that word with discretion, and I use it also with thinking because I believe that's exactly what it is. I believe it would be usurping tax funds. Under our present

Constitution I don't believe it can be called by any other name.

Our forefathers fled Europe to escape a state controlled by the church, and our founding fathers came to this country and they wrote a God-given document in our Constitution, and we believe this is handed down through our State Constitutions, and this separates church and state. The church school perpetuates the church. It is a most important part of the church program. It cannot be separated from that church program, and I do not believe we would want to alter our Constitution in California at this time.

Again, I would say that I don't speak for my denomination, but I doubt very much if any voucher system using public funds could be found acceptable to my church. Thank you very much.

CHAIRMAN RODDA: Thank you very much, and I want to thank you, Senator Bradley, and the staff and all of those people who took part in this long and lengthy hearing. The meeting is adjourned.

(Thereupon the meeting was adjourned.)

NOTE: Written testimony by witnesses unable to appear who requested their testimony to be recorded appears on the following pages.

PRESENTATION BY MICHAEL F. DILLON
LEGISLATIVE ADVOCATE, CALIFORNIA SCHOOL BOARDS ASSOCIATION
before the
SENATE EDUCATION COMMITTEE
JANUARY 12, 1971
SACRAMENTO, CALIFORNIA

VOUCHER SYSTEM OF EDUCATION

Mr. Chairman, Members of the Committee:

The CSBA Board of Directors, in October, voted unanimously to oppose a voucher system for the support of education until such time as it could become apparent that the following strengths and services of the public schools could be assured by such a support system.

The first reason for the establishment of public schools was to teach children to read. Our puritan forefathers felt it was necessary both for the sake of town government and for the salvation of the soul through reading the Bible.

Much controversy exists today over the success of the public schools in this area. But the hard facts of the matter are that the great mass of American children are reading: are entering college; are turning into lawyers, doctors, scientists, legislators, teachers and skilled craftsmen. The scientific and intellectual knowhow of the American people are the envy of the world. Most people who have contributed to this development are graduates of our public schools. Of course, there have been some failures but--

We have raised the academic standards of our teachers.
We have developed reading specialists to attack these problems.
We are trying through special programs to overcome our failures.
We are the first nation to commit ourselves to the concept that everyone should read.

What can the voucher system do to improve on these efforts?

The second great task given the public schools was the Americanization of our people. We were a nation of immigrants--speaking differing languages, coming from different social and educational levels. The schools attacked this problem. In general, our success was overwhelming. Today our children speak a common language; many of them look alike from Maine to California, and they think of themselves as Americans first, citizens of a state or city secondly. A boy from California can talk with a boy from Michigan and feel no alienation. They have studied the same history, have the same heroes, understand the functioning of a common system of government. With some exceptions for individual differences, they have the same basic set of values. In two great world wars, they identified with and carried this Country through the necessary bloodbath.

Our Association would want to understand very clearly how a voucher system that would permit people of very limited viewpoint to group together into educational systems would contribute to rather than harm this basic unity of the American people.

A third great task facing the public schools was to attempt to teach moral values and responsible citizenship. Responsible citizenship is participating citizenship. Today we are lowering the voting age because of the demands of our youth for participation. Our young people are demanding of us that we tell it like it is. They will not accept the hypocrisy of a society that states one thing and does another. They are as concerned with the loss of Asian lives as they are for the loss of American lives. Interdenominational religious movements are active among many of our high school and college age groups. Our young people are more tolerant of the right to differ than any generation of Americans who have ever lived.

Our Association would want to be very sure that a voucher system would assist, not harm, the rational morality that has developed among our youth. We would not want to see a system of education developed that would set race against race, sect against sect, and that in the end would destroy the accomplishments of over 200 years of public education in this country.

The public schools were given the task of creating a productive society. Today we out-produce any nation on earth. How will the voucher system improve this capacity?

Today the public schools are facing another great major task--the creation of equal opportunity for our poor, our minority peoples, citizens handicapped by cultural, racial and language segregation. We have just commenced to attack this problem. But for this nation, its continued survival depends on our success. If we cannot bring the one in five Americans represented by these groups into the mainstream of American life, the social, political and economic price we will pay will be unbelievable. Our Association feels the continued existence of our society as we know it hangs in the balance.

Our Association would want to know how, under the voucher system, the children of the poor and the minorities would ever have equal educational opportunity. We fear people of wealth would band together and use the state voucher as a base for private input to create super financial educational programs for the affluent, while the poor would be relegated to the minimum state support level. Also, an exodus of needed community thought leaders might occur in the process.

In addition, could not representatives of both the extreme right and left use schools, supported by the voucher system, to further alienate large segments of our youth from an identification with our culture as it exists today? It could encourage those attitudes of exclusiveness which reduce the sense of community among us. What are the safeguards in the voucher system to prevent this occurring?

Let me touch on the problem of aid to parochial schools. I'm sure many people support the voucher system because they feel well-established parochial school systems such as those maintained by the Catholic Church would benefit. I would suggest that this may not prove true. A voucher system in effect makes the parent a customer, and in business the customer is always right. If not, you don't stay in business. Schools, both public and parochial, will be placed in the position of giving children what the parent wants, not necessarily what the child needs, or what the institution feels he needs. I'm sure many parents will say, "Fine, I know best what my child needs." However, our schools must be governed by a consensus of adults as to what is best for a child, not by individual whims. Both our established public and parochial school systems can accomplish this objective.

A better solution to the parochial aid question is constitutional change permitting such aid. The voucher system may well bleed students from both our public and parochial schools if they do not respond to individual family demands.

Our Association believes our system of lay public boards--each member an individual part of local community, each member accountable to all local citizens, citizens of diverse views and purposes--is the best guarantee that a middle ground in American education will be held, a middle ground that will keep the youth of this nation in the future mainstream of America's evolving culture. We cannot see the voucher system accomplishing this. In addition, there is no evidence to support the assumption that non-public school educators are able to make better use of funds and of educational research findings to unlock the secrets of effective teaching and learning than public school educators. Given a choice, both could be expected to solicit an "easy to teach" rather than a "hard to teach" clientele.

Members of the Committee, these are some of the issues our Association feels must be carefully considered as they relate to the voucher system of school support. The list is certainly not all-inclusive, but surely these are issues that drive to the very heart of the accomplishments and the tasks facing public schools. Our Association would be deeply concerned if these accomplishments were negated and efforts being made to solve existing problems were lost through a change in the governance and financing of our schools.

In brief, the Association feels that the voucher system would destroy the public schools and, although we recognize many imperfections, we do not feel that this would be in the best interest of our children or of our country.

January 11,1971

Statement presented to California Senate Education Committee regarding the voucher system of using state tax money to aid parochial and private schools.

By Haskell A. Caldwell

A tuition paying parent of parochial school children for 20 years.

Your Honors;

I am one of some 20,000 parents paying tuition to the second largest parochial school system in our state. This school system is growing without asking for tax money, while it provides education from the first grade through the doctorate degrees and meets all the requirements of the Western Association of Schools and Colleges, such that high school graduates credits are readily qualified and accepted by all colleges.

I wish to inform you that the vast majority of the constituency and teaching staff of the Seventh-day Adventist parochial system do not feel we could accept tax money by the Voucher system were it voted. Fairness to the tax payer should require the legislature to impose strict accountability regulations of finances, hiring of faculty, teaching curriculum, and student selection and discipline, which would first undermine and secondly largely destroy the particular values of dedication which make our system outstanding and worth sacrifice to pay for.

You are surely interested in the fact our system is open and attended by all races and creeds as long as they accept and abide by our standards. We have students of welfare parents attending, their support being provided by church members. An item of interest, Dr. Irene Hickman sends her son to Sacramento Union Academy. Dr. Hickman is not of this faith, and a free citizen.

Our parochial system has a degree of tax assistance we appreciate in tax exemption on the school property. The Carmichael church, operating as a unit for the education of its children, is officially granted tax deduction by the IRS for the expenses of this education. These benefits are also available to the parochial system pressing its request for voucher support.

I would call to your attention two inequalities of the use of tax money to support parochial and private schools. (1) This will be equivalent to knocking the teeth out of the public school system, leading to its degeneration into a second rate function of our nation. How would you function as an administrator with an indefinate budget of leftovers for providing a staff of high morale and the sense of full public support? How could the public school staff continue at its present level of effectiveness?

(2) As our representatives, it is your duty to evaluate the need of of this parochial system pressing this request for tax dollars. To give you a quote of authority:-
Father Richard Ginder stated in Our Sunday Visitor of Mar 22, 1960, "The Catholic Church must be the biggest corporation in the United States. We have a branch in almost every neighborhood. Our assets must exceed those of Standard Oil, AT & T, and US Steel combined. And our dues paying members must be second only to the rolls of the United States Government."

The NAtional Association of (Catholic) Laymen made a statement Nov. 19, 1970 at the U. S. Catholic Conference at Washington --- quote- "As long as the Church's financial position is veiled in secrecy and priorities are set by a small number of persons not democratically elected, the Catholic citizen will not be well served by a vote for state aid."

We feel that legislators owe the constituents a review of the priorities in parish and diocesan expenditures, before committee decisions are made." End of quote.

To summarize the questions you are called to decide:

(1) Why is government tax money a need when it wont buy dedication of teaching staff and constituency which is key to superior education?
(2) Why should you yeild to pressures of the welthiest church on earth when the members (not the ruling clergy) are without voice and say it will not be to their benefit?
(3) What in fairness could be your reason for asking the free citizen of California to pay his tax money to a partially foreign system? The bishops and preisthood which directs the activities and finances of the Catholic parochial system, take an oath to the Pope that supercedes their allegiance to our nation. This is bivalent and not 100% U. S. Citizen interest.

In addition to the statement of wealth by Father Ginder, is the statement of " The Churches: Their Riches, Revenue and Immunities"
" Of $7 billion Paid to the churches by government each year, the Roman Catholic Church receives about $4-1/2 billion. This is an amount almost equal to what it receives in donations."

Should you force me to pay tax money for that parochial system in addition to what I pay to the one of my choice? I pray you wont.

Haskell A. Caldwell
Haskell A. Caldwell
2510 Valley Road
Sacramento, California 95821

Mrs. Virna M. Canson
Legislative Advocate - Field Director
West Coast Region
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

STATEMENT:

At the time our National Convention met in Cincinnati, Ohio, the Voucher Plan of the Federal Office of Economic Opportunity was under consideration. The Convention adopted the following resolution:

"A school voucher system, assisted by federal and perhaps other public funds, is now under consideration by the U. S. Office of Economic Opportunity. Under this plan, voucher in the form of financial grants would be made directly to low-income families who could then apply the vouchers to non-public schools of their choice. Despite general assurances that the plan would include "safeguards" to prevent its use to further segregation, we deeply fear that this indeed would be the result. We are opposed to the use of public funds in any form that tends to perpetuate segregation in schools."

In the context of a decided shift away from the goal of integrated education on the part of state leadership, we cannot take the chance that a voucher system will work in the best interest of minorities and/or the poor. We therefore wish to advise your committee that we oppose efforts to institute the voucher plan.

The above statement to be of record at hearing on Voucher Systems held by the Senate Committee on Education on January 12 and 13, 1971, Room 4203, State Capitol, Sacramento, California.

TESTIMONY, RE: FRESNO CITY SCHOOLS
O.E.O. - WESTINGHOUSE LEARNING CORPORATION
PERFORMANCE INCENTIVE PROGRAM
JANUARY 12, 1971

Presented by William P. Booth

Members of the Committee and Guests:

On behalf of the Fresno City Unified School District I am pleased to discuss our involvement in an educational program which, although not unique, has the potential of demonstrating the effectiveness of an educational pattern which might be a significant precursor of educational patterns in years to come. The process is the performance contracting process involving cooperative efforts of public educational systems and of private business. The performance contracting process simply involves a contractual relationship between a public school district and a private corporation in which the private entity teaches students specific subject matter and in which reimbursement to the private corporation or business is based upon the documented achievement of students involved. As the tested or documented performance of students increases the amount of reimbursement increases according to a pre-arranged formula.

The program in which the Fresno City Unified School District is involved is funded by the Office of Economic Opportunity in Washington and involves twenty-one public school districts throughout the United States. Within these twenty-one districts, six private firms and three teacher associations will conduct innovative instructional programs in the areas of reading and math. Under terms of a master contract with the Office of Economic Opportunity, each of the districts is to provide the physical facilities for the educational process and is to provide one hundred students each in grades 1, 2, 3, 7, 8, and 9. In keeping with the central purpose of OEO the students must be from schools located in economically deprived areas.

In addition, the selection of participating districts by the Office of Economic Opportunity provides a cross section of minority groups and of district sizes. Additional criteria were geographic range, and, of course, willingness of the district to participate. Students to participate must have a tested deficiency in either reading or in math or a combination of the two. The instructional programs utilize two hours per day per student and take place in the public school facility.

OEO, in the spring of 1970, selected from a series of performance contracts proposed by private firms throughout the United States, six which showed demonstrated experience. The firms, then, were subcontracted to the twenty-one public districts. The firms and districts selected were the Alpha Learning Systems of Albuquerque, New Mexico which will serve as subcontractor for Grand Rapids, Michigan; Hartford, Connecticut; and Taft, Texas. The Westinghouse Learning Corporation, with which the Fresno City Unified School District is involved, will also subcontract for the Las Vegas Schools in Clark County, Nevada, and for Philadelphia, Pennsylvania. Quality Educational Development Corporation of Washington, D. C. will operate programs in Rockland, Maine; Anchorage, Alaska; and in Dallas, Texas. Singer/Graflex Inc. of Rochester, New York, will conduct programs in McComb, Mississippi; Portland, Maine; and Seattle, Washington. Learning Foundations Inc. of Athens, Gerogia will conduct programs in Bronx, New York; the Duval County Schools, Jackson, Florida; and Hammond, Indiana. Plan Education Centers of Little Rock, Arkansas will subcontract to Athens Georgia; Selmer, Tennessee; and Wichita, Kansas.

Three additional organizations were contracted by OEO for objectivity of administration. Educational Turnkey Systems in Washington, D. C. was employed as agent for overall administration. The Battelle Memorial Institute of Columbus, Ohio, has been contracted to conduct testing and evaluation procedures, and the Biotechnology Corporation of Virginia to serve as a technical assistant in the process of student selection. The individual districts will administer the programs and locally will serve as agents responsible for the performance of the subcontractor. Reimbursement to the subcontractor is provided through, and only after certification by, the individual school district as to the student performance in tests administered by the independent testing organization, Battelle Memorial Institute. Test and testing procedures are standardized throughout the nationwide experiment so as to provide a basis for comparison.

Basically, the intent of OEO is to provide an opportunity to test the effectiveness of the instructional processes developed and operated by private business. The Office of Economic Opportunity, within the overall structure, has provided for a system designed to compare, on a cost effectiveness basis, the work of the six selected organizations, and to analyze areas arising from the interrelationship of private and public institutions. The selection of separate contractors for testing and student selection purposes is intended to provide objectivity in these areas which are so crucial to realistic evaluation.

Funding by the Office of Economic Opportunity provides approximately three hundred thousand dollars per district for implementation. Two hundred and forty thousand dollars of this is reserved for reimbursement to the subcontractor. This sum, a maximum of four hundred dollars per student, will be awarded on the basis of student achievement. No payment director to insure that the subcontractor is not aware of identities of tests to be used either in the overall evaluation or in the testing upon which reimbursement will be made. Should I, as project director, ever suspect that the subcontractor is aware of the specific test used, I have an obligation to contact the project manager in Washington immediately and to call for an investigation. Immediate cancellation of the contract could result should such suspicion be supported.

As previously mentioned, the subcontractor assigned to the Fresno City Unified School District is the Westinghouse Learning Corporation of Albuquerque, New Mexico. We consider ourselves particulary fortunate in that the Westinghouse Learning Corporation has had a history of three years experience on a private basis in Albuquerque working with the curricular processes to be employed within the district this year. In Fresno, the instruction will take place in the Lane Elementary School for grades 1, 2, and 3 and in the Sequoia Junior High School for grade 7, 8, and 9. These schools were chosen in part because of the fact that a sufficient number of students were available below grade level, and the fact that the schools are located in low socio-economic areas, and the fact that a substantial number of the students were Mexican-American - all criteria specified by OEO.

The Curricular process employed by the Westinghouse Learning Corporation is based on a series of sequentialized objectives, behavioral in nature, in the areas of math and in reading. The program is programmed in nature, for the most part, and depends upon the use of the cassette tape recorder as a vehicle for individualized instruction. Each student is diagnosed on the basis of Westinghouse - designed diagnostic tests and is assigned a program specifically designed to suit his individual strengths or weaknesses. In will be received for any student who achieves less than a one year increment per subject during the period of the year's experiment. Each student whose growth increases one year over the period will entitle the subcontractor to reimbursement of seventy-five dollars per subject. In addition, increments are provided to the subcontractor on the basis of ten dollars and seventy cents for each one-tenth of one year's growth per student per subject. As mentioned before, there is a maximum allowance of four hundred dollars per student, or two hundred and forty thousand dollars total reimbursement. The remainder of the funding provides for district operational costs involved in conducting the program.

In all of the districts selected, the program is now in operation, and pretests involving six hundred students per district plus an additional one hundred control students per grade have been completed. Each participating student at the end of the year will take a varying form of the test administered in the pretesting program and performance payment and program evaluation will be based thereon. In addition, the testing contractor is obligated to retest all available students four months after the beginning of the school year 1971-72, to determine rates of retention. Since reimbursement is based totally on the performance of students there is, quite naturally, a considerable concern that the instructional process is not unfairly directed to specific test items, in short, that "teaching to the test" does not occur. Built into the OEO contract are heavy guarantees that this does not take place. The Battelle Memorial Institute is obligated to conduct a continuing and periodic investigation of materials used by each of the subcontractors to insure that specific test items are not included in classroom instruction and that significant instructional time is not devoted to test orientation. It is also incumbent upon the project each of the learning activites centers, as the facilities are called, one hundred students are involved in the instructional process at a given time, and are supervised by a center director, a credentialed teacher, and by from three to five either full or part-time aides. The modular program approach used by Westinghouse allows the individual student to progress at his own rate in both reading and in math, on the basis of a periodically modified contract between him and the teacher. Internal incentives for the program involve free activity for accomplishment of assigned modules. An occassional chit for snack bar privileges is awarded for exceptional performance or behavior. It should be pointed out, however, that these incentives, particularly the latter, are not given major emphasis.

The instructional materials employed by the Westinghouse Learning Corporation involve the utilization of materials from a variety of sources. We in the district have been impressed with the fact that Westinghouse has not placed heavy emphasis on hardware, but rather has devoted maximum energy to the development of the instructional patterns themselves - and of the selction of the most suitable material available to accomplish a specific objective. As a result, no single publisher's program is emphasized - rather the best is selected from some twenty-five separate publishers. The Westinghouse Corporation has developed its own materials only in instances in which suitable materials for individualized instruction have not been available.

In each of the two learning centers in Fresno a teletype has been placed on which periodic diagnostic information is relayed to a central computer to Albuquerque, and through which instructional patterns for individual students are returned for implementation within the classroom. The emphasis within this program is clearly upon student diagnosis based on immediate and periodic feedback.

An integral part of the nation-wide experiment being conducted involves the cost-accounting process aimed at determining total cost per unit of student performance. Periodic reports are to be made indicating utilization of manpower, facilities, materials, and time. These, in turn, will be correlated with district operations and existing costs throughout the nation in a search for combinations of maximum efficiency.

There can be little question that the process of performance incentive contracting is a controversial process. It is gratifying to me that the Office of Economic Opportunity has seen fit to conduct an experiment designed to determine as objectively as it is possible which of six different approaches to performance contracting provides the greatest promise of success or if, indeed, any of them are effective at all. It might be pointed out, however, that the major experimental aspect of this program lies not so much in curricular patterns as it does in the potential for increased cooperation and, hopefully, the increased efficiency of combined efforts of private and public indsutry in areas that lay at the heart of our educational process. It is also significant that the Office of Economic Opportunity is looking toward the total experiment as a potential base for modification of funding processes from the federal level.

At the present time performance contracting is still in its infancy; this project could well provide impetus for logical growth and development to the benefit of all, or it could show that it would be wise to abandon efforts altogether. Since it is still in its developmental stages, however, and since no significant storehouse of experience exists, both those who criticize and those who support find themselves without much empirical data, and find conversation largely a projection of the limited information available, laced liberally with emotion.

There are several significant factors that need to be considered in assessing the potential of performance contracting. On the positive side, performance contracting provides a capital advantage in that private businesses are, and have been over the years, able to invest sums in curricular development that individual school districts, particularly in these days of financial stress, cannot. There can be little question that a major portion of all curricular materials have been the product of private industry, although with significant assists by educators, to be sure. The Westinghouse Learning Corporation, for example, has recently invested over seven million dollars in the development of curricular materials for Project Plan. I might add, as a parenthetical, that I have heard several experienced teachers comment to the effect that the Westinghouse Learning Corporation is doing little other than that which they would like to do had they the capacity, either financial or in terms of time and materials, to do so.

A second factor of significance in performance contracting is the fact that instructional personnel are employees of the private firm, and although subject to state credential requirements, of course, are to a much greater degree immediately accountable for performance within the classroom than is the public school teacher in the typical situation. Instructors hired by the private firms may be immediately released by the private firm for what is deems inadequate performance.

Third, in our program, efforts are concentrated solely in the areas of math and reading. Instructors within the program do not feel a responsibility for affective development in the same sense as does the regular teacher who retains responsibility for developing the child in all the areas of the educational process.

Fourth, contracting appears to be a significant step toward the development of an equitable system of teacher and school district accountability. At the present time most school districts throughout the nation are working seriously on the development or improvement of their instructional objectives. Certainly private industry can provide assistance in this area.

There are aspects of performance contracting however, to which critics have directed their attention with which educators must concern themselves if their systems are to function effectively. First, the maintenance of two staff classifications, public and private, on a single campus might constitute a source of friction within the faculty as a whole, since it might, in extreme cases, constitute separate loyalities. The problems of providing reasonable uniformity of student conduct and program direction might well work to the disadvantage of students involved. The question of administrative control, in other words, is a matter of some potential concern.

Second, performance contracts to date have been developed generally in areas of cognitive learning, skill processes, and areas in which the ultimate objectives are not a significant source of a major dispute. Although, programs of reading and processes of reading are certainly matters of differing opinion, the ultimate objective, reading skill, is less open to debate than subjects of a more affective orientation such as the social sciences, recent approaches in the physical sciences, the arts, etc. In other words, although the procedures to be used are certainly open to debate, the end product is less so in the areas of reading and math.

Third, there is also concern that the mechanical orientation of programed instruction will be adapted to fit the requirements of the contracting program rather than toward goals which are more valid but less objectively demonstrable.

Fourth, the requirements of differentiated staffing such as that employed by the Westinghouse Learning Corporation experiment in Fresno have apparently given some teachers feelings of concern regarding their own professional status. An argument can be made that professional status will be enhanced by relieving the teacher of tasks which are well suited to mechanical processes. This in turn will allow him to utilize his capacities more effectively in areas which are not amenable to programing. It has been my personal experience to date that teachers have actually been keenly interested and quite supportive of the program.

The function of the Fresno City Unified School District is to provide a facility through which this approach to innovative instruction can be given a fair chance. The district realizes this is a one year program, and that time and effort of staff is certainly involved in the operation of the program, but we also feel that the effort in terms of experience in this new and developing curricular pattern will be time well spent.

I have tried to keep my comment brief in order to provide sufficient time for your questions. Mr. Chairman, I would be happy to respond as time allows.

REPORTER'S CERTIFICATE

---o0o---

THIS IS TO CERTIFY that I, ALICE BOOK, a Certified Shorthand Reporter, was present at the time and place the foregoing proceedings were had and taken before the SENATE EDUCATION COMMITTEE, CALIFORNIA STATE LEGISLATURE, held in Sacramento, California, on January 12 and 13, 1971, and that as such reporter I did take down said proceedings in shorthand writing, and that thereafter I caused the shorthand writing to be transcribed into longhand typewriting, and that the foregoing pages beginning at the top of Page 1, to and including Page 280 hereof, constitute a true, complete, accurate and correct transcript of the aforementioned shorthand writing.

Dated this 27th day of January, 1971.

Alice Book

Certified Shorthand Reporter